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41st Congress, 3d Session. | SENATE. | Ex. Doc. No. 36.

U. S. Treaties, &c.

TREATIES AND CONVENTIONS

CONCLUDED

BETWEEN THE UNITED STATES OF AMERICA

AND OTHER POWERS

SINCE JULY 4, 1776.

WITH NOTES SHOWING WHAT TREATIES OR PARTS OF TREATIES HAVE BEEN ABROGATED, AND DECISIONS THEREUPON.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1871.

H.

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A. 27505

IN THE SENATE OF THE UNITED STATES,
February 20, 1871.

Resolved by the Senate, (the House of Representatives concurring,) That there be printed the usual number of copies of "Treaties and Conventions" as reported to the Senate from the State Department, and in addition thereto one thousand copies for the use of the State Department, one thousand copies for the use of the Senate, and two thousand copies for the use of the House of Representatives.

Attest:

GEO. C. GORHAM, *Secretary,*
By W. J. McDONALD, *Chief Clerk.*

IN THE HOUSE OF REPRESENTATIVES,
March 1, 1871.

Resolved, That the House concur in the foregoing resolution in relation to the printing of Treaties and Conventions.

Attest:

EDWARD McPHERSON, *Clerk.*

IN THE SENATE OF THE UNITED STATES.

LETTER.

OF

THE SECRETARY OF STATE,

COMMUNICATING,

In compliance with the resolution of the Senate of December 22, 1870, *copies of all treaties and conventions (except postal conventions) entered into by the United States, the ratification whereof has been exchanged.*

FEBRUARY 2, 1871.—Referred to the Committee on Foreign Relations and ordered to be printed.

DEPARTMENT OF STATE,
Washington, February 1, 1871.

SIR: In compliance with a resolution of the Senate of the 22d December, requesting the Secretary of State "to prepare and transmit to the Senate copies of all the treaties and conventions (except postal conventions) entered into by the United States, the ratification whereof has been exchanged, with notes indicating such treaties or conventions or such parts of treaties or conventions as have been changed or abrogated," I have the honor to transmit the accompanying copies of treaties and conventions as called for by said resolution.

I have the honor to be, sir, your obedient servant,

HAMILTON FISH.

HON. SCHUYLER COLFAX,
President of the Senate.

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TREATIES.

TREATY-MAKING POWER.

By the Articles of Confederation of July 8, 1778, the following provisions were made relative to treaties by the United States:

ARTICLE VI.

SECTION 1. "No State, without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any confirmed agreement, alliance or treaty with any King, Prince, or State; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office or title of any kind whatsoever, from any King, Prince or foreign State; nor shall the United States in Congress assembled, or any of them, grant any title of nobility." Vol. I, 5.

SEC. 2. "No two or more States shall enter into any treaty, confederation or alliance whatever between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue." Vol. I, 5.

ARTICLE IX.

SECTION 1. "The United States in Congress assembled shall have the sole and exclusive right and power of determining on peace and war, except in cases mentioned in the sixth article; of sending and receiving ambassadors, entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of establishing rules for deciding in all cases what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be decided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracies and felonies committed on the high seas; and establishing courts for receiving and determining finally appeals in all cases of captures; provided that no member of Congress shall be appointed a judge of any of the said courts." Vol. I, 6.

SEC. 6. "The United States in Congress assembled shall never engage in a war nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defense and welfare of the United States, or any of them, nor emit bills nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or pur-

chased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the Army or Navy, unless nine States assent to the same; nor shall a question on any other point, except for adjourning from day to day, be determined unless by the votes of a majority of the United States in Congress assembled." Vol. I, 8.

The Constitution of the United States, article 2, section 2, provides: "He (the President of the United States) shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; he shall nominate and, by and with the advice and consent of the Senate, appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which may be established by law." Vol. I, 17.

ARTICLE VI.

"This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding." Vol. I, 19.

CASES DECIDED IN THE COURTS OF THE UNITED STATES, AS TO THE OBLIGATION AND CONSTRUCTION OF TREATIES.

The obligation of a treaty, the supreme law of the land, must be admitted. The execution of the contract between the two nations is to be demanded from the Executive of each nation; but where a treaty affects the rights of parties litigating in court, the treaty as much binds those rights, and is as much regarded by the Supreme Court, as an act of Congress. (United States *vs.* The Schooner Peggy, 1 Cranch, 103.)

The termination of a treaty by war does not divest rights of property already vested under it. (Society for the Propagation of the Gospel *vs.* The Town of New Haven, 8 Wheat., 464.)

Nor do treaties, in general, become extinguished, *ipso facto*, by war between the two Governments. Those stipulating for a permanent arrangement of territorial and other national rights are, at most, suspended during the war, and revive at the peace, unless they are waived by the parties, or new and repugnant stipulations are made. (*Ibid.*)

Where a treaty is the law of the land, and as such affects the rights of parties litigating in court, that treaty as much binds those rights, and is as much to be regarded by the court, as an act of Congress. To condemn a vessel, therefore, the restoration of which is directed by the law of the land, though restoration be an executive act, would be a direct infraction of that law, and of consequence, improper. (United States *vs.* The Schooner Peggy, 1 Cranch, 103.)

A treaty, under the sixth article, section 2, of the Constitution, being the supreme law of the land, the treaty of peace of 1783 operated as a repeal of all State laws previously enacted inconsistent with its provisions. (Ware *vs.* Hylton, 3 Dall., 199.)

The stipulation in a treaty that "free ships shall make free goods," does not imply the converse proposition that enemy's ships shall make enemy's goods. (The Nereide, Bennet, Master, 9 Cranch, 388.)

A treaty is, in its nature, a contract between two nations, not a legislative act. It does not generally effect of itself the object to be accomplished, especially so far as its operation is infra-territorial; but is carried into execution by the sovereign power of the respective parties to the instrument. (Foster et al. *vs.* Neilson, 2 Peters, 314; United States *vs.* Arredondo, 6 Peters, 735.)

In the United States a different principle is established. Our Constitution declares a treaty to be the law of the land. It is, consequently, to be regarded in courts of justice as equivalent to an act of the legislature, whenever it operates of itself without the aid of any legislative provision. But, when the terms of the stipulation import a contract, when either of the parties engages to perform a particular act, the treaty addresses itself to the political, not the judicial department; and the legislature must execute the contract before it can become a rule for the court. (*Ibid.*)

By the stipulations of a treaty are to be understood its language and apparent intention, manifested in the instrument, with a reference to the contracting parties, the subject-matter, and the persons on whom it is to operate. (United States *vs.* Arredondo et al., 6 Peters, 710.)

A treaty of cession is a deed of the ceded territory, and the sovereign is the grantee; the act is his, as far as it relates to the cession; the treaty is his act and deed, and all courts must so consider it; and deeds are construed in equity by the rules of law. (*Ibid.*, 738.)

Where a treaty is executed in two languages, each the language of the respective contracting parties, both parts of the treaty are originals, and both are intended to convey the same meaning. (*Ibid.*)

Where a treaty has been ratified according to the provisions of the Constitution it becomes the law of the land; and it is perfectly immaterial whether or not the persons who signed it did or did not transcend their instructions. (Hamilton *vs.* Eaton, North Carolina Cases, 77.)

A treaty does not necessarily annul prior statutes, if there is no interference with them. (*Ibid.*)

The stipulations in a treaty between the United States and a foreign power are paramount to the provisions of the constitution of a particular State, or the confederacy. (Lessee of Gordon *vs.* Kerr, 1 Wash., C. C. R., 322.)

A treaty between the United States and one belligerent does not affect a question of prize, as between two belligerents, where the prize (captured from the belligerent making the treaty) is brought by the other belligerent into the ports of the United States; nor is it important that the capturing vessel was commanded by an American citizen. The treaty can bind only the parties to it; and whatever operation it may have on the American citizen, individually, it cannot affect the general question of the validity of prizes made between belligerents. (The Santissima Trinidad, 1 Brockenb., C. C. R., 478.)

A judgment of a State court, where jurisdiction was acquired, not by the common law, but by a statute of a State which, before the rendition of the judgment, had been virtually repealed by the adoption of a treaty, was voidable, and not void. (Livingston *vs.* Van Ingen, Paine's C. C. R., 55.)

In 1780 the ancestor of the lessors of the plaintiff was indicted, he being a British subject, in the supreme court of New York, under the act entitled "An act for the forfeiture and sale of the property of persons who have adhered to the enemies of this State," &c.; and in October, 1783, a judgment of forfeiture against his estates was rendered. The

treaty of 1783 against any subsequent confiscation, was signed in September, 1783. Held, that the proceedings were void. (*Ibid.*)

The stipulations of a treaty are paramount to the provisions of the constitution of a particular State of the United States. (Gordon's Lessee *vs.* Kerr, 1 Wash., C. C. R., 322.)

Whenever a right grows out of or is protected by a treaty, it is sanctioned against all the laws and judicial decisions of the States; and whoever may have this right is protected. But if the person's title is not affected by the treaty, if he claims nothing under the treaty, his title cannot be protected by the treaty. (Owing *vs.* Norwood's Lessee, 5 Cranch, 344.)

The adoption of a treaty, with the stipulations of which the provisions of a State law are inconsistent, is equivalent to the repeal of such law. (Lessee of Fisher *vs.* Harnden, 1 Paine, C. C. R., 55.)

A treaty goes into operation from the date of the signature, if no other period is agreed upon between the parties. (Lessee of Hylton *vs.* Brown, 1 Wash., C. C. R., 343; Davis *vs.* Police Jury of Concordia, 9 Howard, 289.)

Although it is true, as a principle of international law, that as respects the rights of either Government under it a treaty is considered as concluded and binding from the date of its signature, and that in this regard the exchange of ratifications has a retroactive effect, confirming the treaty from its date, a different rule prevails where the treaty operates on individual rights. There the principle of relation does not apply to rights of this character which were vested before the treaty was ratified, and in as far as it affects *them* it is not considered as concluded until there is an exchange of ratifications. (Haver *vs.* Yaker, 9 Wallace, 32.)

As respects performance of the conditions of a grant by a private grantee, the date of a treaty is its final ratification. (The United States *vs.* Arredondo, 6 Peters, 691.)

The Constitution of the United States confers absolutely on the Government of the United States the power of making war and of making treaties. Consequently that Government possesses the power of acquiring territory either by conquest or by treaty. (The American Insurance Company *vs.* Three hundred and fifty-six Bales of Cotton, 1 Peters, 542.)

The usage of the world is, if a nation be not entirely subdued, to consider the holding of conquered territory as a mere military occupation, until its fate shall be determined at the treaty of peace. If it be ceded by treaty the acquisition is confirmed, and the ceded territory becomes a part of the nation to which it is annexed, either on the terms stipulated in the treaty of cession, or on such as its new master shall impose. On such transfer of territory it has never been held that the relations of the inhabitants with each other are changed. Their relations with their former sovereign are dissolved, and new relations are created between them and the government which has acquired their territory. The same act which transfers their country transfers the allegiance of those who remain in it, and the law which may be denominated political is necessarily changed, although that which regulates the intercourse and general conduct of individuals remains in force until altered by the newly created power of the state. (*Ibid.*, and see Strother *vs.* Lucas, 12 Peters, 410.)

ALGIERS.

ALGIERS, 1795.*

A TREATY OF PEACE AND AMITY BETWEEN THE DEY OF ALGIERS AND THE UNITED STATES OF AMERICA, CONCLUDED SEPTEMBER 5, 1795.†

[ALL OF THE TREATIES WITH ALGIERS CEASED TO BE OPERATIVE, BY REASON OF THE FRENCH CONQUEST OF THAT COUNTRY.†]

A treaty of peace and amity, concluded this present day I—ima artasi, the twenty-first of the Luna Safer, year of the Hegira 1210, *corresponding with Saturday, the fifth of September, seventeen hundred and ninety-five, between Hassan Bashaw, Dey of Algiers, his Divan and subjects, and George Washington, President of the United States of North America, and the citizens of the said United States.*

ARTICLE I.

From the date of the present treaty there shall subsist a firm and sincere peace and amity between the President and citizens of the United States of North America and Hassan Bashaw, Dey of Algiers, his Divan and subjects; the vessels and subjects of both nations reciprocally treating each other with civility, honor, and respect.

Peace established.

ARTICLE II.

All vessels belonging to the citizens of the United States of North America shall be permitted to enter the different ports of the Regency, to trade with our subjects, or any other persons residing within our jurisdiction, on paying the usual duties at our custom-house that is paid by all nations at peace with this Regency; observing that all goods disembarked and not sold here shall be permitted to be reëmbarked without paying any duty whatever, either for disembarking or embarking. All naval and military stores, such as gunpowder, lead, iron, plank, sulphur, timber for building, tar, pitch, rosin, turpentine, and any other goods denominated naval and military stores, shall be permitted to be sold in this Regency without paying any duties whatever at the custom-house of this Regency.

Commercial intercourse.

ARTICLE III.

The vessels of both nations shall pass each other without any impediment or molestation; and all goods, moneys, or passengers, of whatsoever nation, that may be on board of the vessels belonging to either party shall be considered as inviolable, and shall be allowed to pass unmolested.

Vessels not to be molested.

ARTICLE IV.

All ships of war belonging to this Regency on meeting with merchant vessels belonging to citizens of the United States, shall be allowed to

* Statutes at Large, Vol. VIII, p. 133 *et seq.*
† See Mahony *vs.* United States, (10 Wallace, 62.)

visit them with two persons only beside the rowers; these two only permitted to go on board said vessel without obtaining express leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage unmolested. All ships of war belonging to the United States of North America, on meeting with an Algerine cruiser, and shall have seen her passport and certificate from the Consul of the United States of North America, resident in this Regency, shall be permitted to proceed on her cruise unmolested; no passport to be issued to any ships but such as are absolutely the property of citizens of the United States, and eighteen months shall be the term allowed for furnishing the ships of the United States with passports.

Passports of vessels and ships of war.

ARTICLE V.

No commander of any cruiser belonging to this Regency shall be allowed to take any person, of whatever nation or denomination, out of any vessel belonging to the United States of North America, in order to examine them, or under pretense of making them confess anything desired; neither shall they inflict any corporal punishment, or any way else molest them.

No Algerine cruiser may take any person out of a vessel of the United States.

ARTICLE VI.

If any vessel belonging to the United States of North America shall be stranded on the coast of this Regency, they shall receive every possible assistance from the subjects of this Regency. All goods saved from the wreck shall be permitted to be reëmbarked on board of any other vessel without paying any duties at the custom-house.

Stranded vessels of United States.

ARTICLE VII.

The Algerines are not, on any pretense whatever, to give or sell any vessel of war to any nation at war with the United States of North America, or any vessel capable of cruising to the detriment of the commerce of the United States.

Sale of vessels of war.

ARTICLE VIII.

Any citizen of the United States of North America, having bought any prize condemned by the Algerines, shall not be again captured by the cruisers of the Regency then at sea, although they have not a passport, a certificate from the Consul Resident being deemed sufficient until such time they can procure such passport.

Passports for vessels.

ARTICLE IX.

If any of the Barbary States at war with the United States of North America shall capture any American vessel and bring her into any of the ports of this Regency, they shall not be permitted to sell her, but shall depart the port on procuring the requisite supplies of provision.

Sale of prizes.

ARTICLE X.

Any vessel belonging to the United States of North America, when at war with any other nation, shall be permitted to send their prizes into the ports of the Regency, have leave to dispose

United States prizes.

of them without paying any duties on sale thereof. All vessels wanting provisions or refreshments shall be permitted to buy them at market price.

ARTICLE XI.

All ships of war belonging to the United States of North America, on anchoring in the ports of the Regency, shall receive the usual presents of provisions and refreshments gratis. Should any of the slaves of this Regency make their escape on board said vessels, they shall be immediately returned. No excuse shall be made that they have hid themselves amongst the people and cannot be found, or any other equivocation.

Treatment of ships of war of United States.

ARTICLE XII.

No citizen of the United States of North America shall be obliged to redeem any slave against his will, even should he be his brother; neither shall the owner of a slave be forced to sell him against his will, but all such agreements must be made by consent of parties. Should any American citizen be taken on board an enemy ship by the cruisers of this Regency, having a regular passport specifying they are citizens of the United States, they shall be immediately set at liberty. On the contrary, they having no passport, they and their property shall be considered lawful prize, as this Regency know their friends by their passports.

Slaves.

Passports of citizens.

ARTICLE XIII.

Should any of the citizens of the United States of North America die within the limits of this Regency, the Dey and his subjects shall not interfere with the property of the deceased; but it shall be under the immediate direction of the Consul, unless otherwise disposed of by will. Should there be no Consul, the effects shall be deposited in the hands of some person worthy of trust until the party shall appear who has a right to demand them, when they shall render an account of the property. Neither shall the Dey or Divan give hinderance in the execution of any will that may appear.

Estates of citizens of United States dying in the Regency.

ARTICLE XIV.

No citizen of the United States of North America shall be obliged to purchase any goods against his will, but, on the contrary, shall be allowed to purchase whatever it pleaseth him. The Consul of the United States of North America, or any other citizen, shall not be amenable for debts contracted by any one of their own nation, unless previously they have given a written obligation so to do. Should the Dey want to freight any American vessel that may be in the Regency, or Turkey, said vessel not being engaged, in consequence of the friendship subsisting between the two nations he expects to have the preference given him, on his paying the same freight offered by any other nation.

No citizen of United States to be compelled to purchase goods or pay debts of another.

ARTICLE XV.

Any disputes or suits at law that may take place between the subjects of the Regency and the citizens of the United States of North America shall be decided by the Dey in person, and

Disputes.

no other. Any disputes that may arise between the citizens of the United States shall be decided by the Consul, as they are in such cases not subject to the laws of this Regency.

ARTICLE XVI.

Crimes.

Should any citizen of the United States of North America kill, wound, or strike a subject of this Regency, he shall be punished in the same manner as a Turk, and not with more severity. Should any citizen of the United States of North America in the above predicament, escape prison, the Consul shall not become answerable for him.

ARTICLE XVII.

Privileges of the Consul of the United States.

The Consul of the United States of North America shall have every personal security given him and his household. He shall have liberty to exercise his religion in his own house. All slaves of the same religion shall not be impeded in going to said Consul's house at hours of prayer. The Consul shall have liberty and personal security given him to travel, whenever he pleases, within the Regency. He shall have free license to go on board any vessel lying in our roads, whenever he shall think fit. The Consul shall have leave to appoint his own dragoman and broker.

ARTICLE XVIII.

Case of war.

Should a war break out between the two nations, the Consul of the United States of North America, and all citizens of said States, shall have leave to embark themselves and property unmolested on board of what vessel or vessels they shall think proper.

ARTICLE XIX.

Citizens of either nation captured by the other to be set at liberty.

Should the cruisers of Algiers capture any vessel having citizens of the United States of North America on board, they having papers to prove they are really so, they and their property shall be immediately discharged. And should the vessels of the United States capture any vessels of nations at war with them, having subjects of this Regency on board, they shall be treated in like manner.

ARTICLE XX.

Salutes to vessels of war.

On a vessel of war belonging to the United States of North America anchoring in our ports, the Consul is to inform the Dey of her arrival, and she shall be saluted with twenty-one guns, which she is to return in the same quantity or number. And the Dey will send fresh provisions on board, as is customary, gratis.

ARTICLE XXI.

Free entry for Consul.

The Consul of the United States of North America shall not be required to pay duty for anything he brings from a foreign country for the use of his house and family.

ARTICLE XXII.

Should any disturbance take place between the citizens of the United States and the subjects of this Regency, or break any article of this treaty, war shall not be declared immediately, but everything shall be searched into regularly. The party injured shall be made reparation.

War not to be declared in cases of breach of treaty.

On the 21st of the Luna of Safer, 1210, corresponding with the 5th September, 1795, Joseph Donaldson, jun., on the part of the United States of North America, agreed with Hassan Bashaw, Dey of Algiers, to keep the articles contained in this treaty sacred and inviolable, which we, the Dey and Divan, promise to observe, on consideration of the United States paying annually the value of twelve thousand Algerine sequins in maritime stores. Should the United States forward a larger quantity, the overplus shall be paid for in money by the Dey and Regency. Any vessel that may be captured from the date of this treaty of peace and amity shall immediately be delivered up on her arrival in Algiers.

Sum to be paid to the Dey.

VIZIR HASSAN BASHAW.
JOSEPH DONALDSON, JUN.

[Seal of Algiers stamped at the foot of the original treaty in Arabic.]

To all to whom these presents shall come or be made known:

Whereas the underwritten, David Humphreys, hath been duly appointed Commissioner Plenipotentiary by letters patent, under the signature of the President and seal of the United States of America, dated the 30th of March, 1795, for negotiating and concluding a treaty of peace with the Dey and Governors of Algiers; whereas, by instructions, given to him on the part of the Executive, dated the 28th of March and 4th of April, 1795, he hath been further authorized to employ Joseph Donaldson, jun., on an agency in the said business; whereas, by a writing under his hand and seal, dated 21st May, 1795, he did constitute and appoint Joseph Donaldson, jun., agent in the business aforesaid, and the said Joseph Donaldson, jun., did, on the 5th of September, 1795, agree with Hassan Bashaw, Dey of Algiers, to keep the articles of the preceding treaty sacred and inviolable:

Now know ye that I, David Humphreys, Commissioner Plenipotentiary aforesaid, do approve and conclude the said treaty, and every article and clause therein contained; reserving the same, nevertheless, for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the said United States.

In testimony whereof I have signed the same with my hand and seal, at the city of Lisbon, this 28th of November, 1795.

[L. S.] DAVID HUMPHREYS.

ALGIERS, 1815.*

TREATY OF PEACE AND AMITY CONCLUDED BETWEEN THE UNITED STATES OF AMERICA AND HIS HIGHNESS OMAR BASHAW, DEY OF ALGIERS, JUNE 30 AND JULY 6, 1815.

ARTICLE I.

Peace and friendship.

There shall be, from the conclusion of this treaty, a firm, inviolable, and universal peace and friendship between the President and citizens of the United States of America on the one part, and the Dey and subjects of the Regency of Algiers, in Barbary, on the other, made by the free consent of both parties and on the terms of the most favored nations. And if either party shall hereafter grant to any other nation any particular favor or privilege in navigation or commerce, it shall immediately become common to the other party freely, when it is freely granted to such other nations, but when the grant is conditional, it shall be at the option of the contracting parties to accept, alter, or reject such conditions, in such manner as shall be most conducive to their respective interests.

Favors in navigation and commerce.

ARTICLE II.

Abolition of tribute.

It is distinctly understood between the contracting parties, that no tribute, either as biennial presents, or under any other form or name whatever, shall ever be required by the Dey and Regency of Algiers from the United States of America, on any pretext whatever.

ARTICLE III.

American citizens to be delivered up.

The Dey of Algiers shall cause to be immediately delivered up to the American squadron now off Algiers all the American citizens now in his possession, amounting to ten, more or less; and all the subjects of the Dey of Algiers, now in possession of the United States, amounting to five hundred, more or less, shall be delivered up to him; the United States, according to the usages of civilized nations, requiring no ransom for the excess of prisoners in their favor.

ARTICLE IV.

Indemnification to American citizens for detention and loss of property, &c.

A just and full compensation shall be made by the Dey of Algiers to such citizens of the United States as have been captured and detained by Algerine cruisers, or who have been forced to abandon their property in Algiers, in violation of the twenty-second article of the treaty of peace and amity concluded between the United States and the Dey of Algiers on the fifth of September, one thousand seven hundred and ninety-five.

And it is agreed between the contracting parties, that, in lieu of the above, the Dey of Algiers shall cause to be delivered forthwith into the hands of the American Consul residing at Algiers, the whole of a quantity of bales of cotton left by the late Consul General of the United States in the public magazines in Algiers; and that he shall pay into the hands of the said Consul the sum of ten thousand Spanish dollars

* Statutes at Large, Vol. VIII, p. 224 *et seq.*

ARTICLE V.

If any goods belonging to any nation with which either of the parties are at war should be loaded on board vessels belonging to the other party, they shall pass free and unmolested, and no attempts shall be made to take or detain them.

Enemies' property.

ARTICLE VI.

If any citizens or subjects, with their effects, belonging to either party, shall be found on board a prize vessel taken from an enemy by the other party, such citizens or subjects shall be liberated immediately, and in no case, or on any other pretense whatever, shall any American citizen be kept in captivity or confinement, or the property of any American citizen found on board of any vessel belonging to any other nation with which Algiers may be at war be detained from its lawful owners after the exhibition of sufficient proofs of American citizenship and of American property, by the Consul of the United States residing at Algiers.

Citizens or subjects taken on board an enemy's vessel.

ARTICLE VII.

Proper passports shall immediately be given to the vessels of both the contracting parties, on condition that the vessels of war belonging to the Regency of Algiers, on meeting with merchant vessels belonging to the citizens of the United Staets of America, shall not be permitted to visit them with more than two persons besides the rowers; these only shall be permitted to go on board without first obtaining leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage; and should any of the subjects of Algiers insult or molest the commander, or any other person, on board a vessel so visited, or plunder any of the property contained in her, on complaint being made by the Consul of the United States residing in Algiers, and on his producing sufficient proof to substantiate the fact, the commander or rais of said Algerine ship or vessel of war, as well as the offenders, shall be punished in the most exemplary manner.

Passports to vessels of each party. Right of visit restricted.

Abuse of right of visit.

All vessels of war belonging to the United States of America, on meeting a cruiser belonging to the Regency of Algiers, on having seen her passports and certificates from the Consul of the United States residing in Algiers, shall permit her to proceed on her cruise unmolested and without detention. No passport shall be granted by either party to any vessels but such as are absolutely the property of citizens or subjects of the said contracting parties, on any pretense whatever.

Vessels provided with passports not to be molested.

ARTICLE VIII.

A citizen or subject of either of the contracting parties having bought a prize vessel condemned by the other party, or by any other nation, the certificates of condemnation and bill of sale shall be a sufficient passport for such vessel for six months; which, considering the distance between the two countries, is no more than a reasonable time for her to procure proper passports.

What shall be sufficient passport.

ARTICLE IX.

Vessels of either of the contracting parties putting into ports of the other, and having need of provisions or other supplies, shall be furnished at the market price; and if any such vessel

Price of provisions.

should so put in from a disaster at sea, and have occasion to repair, she shall be at liberty to land and reëmbark her cargo without paying any customs or duties whatever; but in no case shall she be compelled to land her cargo.

Vessels obliged to repair.

ARTICLE X.

Should a vessel of either of the contracting parties be cast on shore within the territories of the other, all proper assistance shall be given to her crew; no pillage shall be allowed the property shall remain at the disposal of the owners; and, if reshipped on board of any vessel for exportation, no customs or duties whatever shall be required to be paid thereon, and the crew shall be protected and succored until they can be sent to their own country.

Wrecks.

ARTICLE XI.

If a vessel of either of the contracting parties shall be attacked by an enemy within cannon shot of the forts of the other, she shall be protected as much as is possible. If she be in port she shall not be seized or attacked when it is in the power of the other party to protect her; and, when she proceeds to sea, no enemy shall be permitted to pursue her from the same port within twenty-four hours after her departure.

Protection of vessels in the port of either party.

ARTICLE XII.

The commerce between the United States of America and the Regency of Algiers, the protections to be given to merchants, masters of vessels, and seamen, the reciprocal rights of establishing Consuls in each country, and the privileges, immunities, and jurisdictions to be enjoyed by such Consuls, are declared to be on the same footing, in every respect, with the most favored nations, respectively.

Most favored nation clause.

ARTICLE XIII.

The Consul of the United States of America shall not be responsible for the debts contracted by citizens of his own nation, unless he previously gives written obligations so to do.

Consul of U. S. not responsible for debts of citizens.

ARTICLE XIV.

On a vessel or vessels of war belonging to the United States anchoring before the city of Algiers, the Consul is to inform the Dey of her arrival, when she shall receive the salutes which are, by treaty or custom, given to the ships of war of the most favored nations on similar occasions, and which shall be returned gun for gun; and if, after such arrival, so announced, any Christians whatsoever, captives in Algiers, make their escape and take refuge on board any of the ships of war, they shall not be required back again, nor shall the Consul of the United States or commanders of said ships be required to pay anything for the said Christians.

Salutes to vessels of war of United States.

ARTICLE XV.

As the Government of the United States of America has, in itself, no character of enmity against the laws, religion, or tranquillity of any nation, and as the said States have never entered

Religious opinions.

into any voluntary war or act of hostility except in defense of their just rights on the high seas, it is declared, by the contracting parties, that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two nations; and the Consuls and Agents of both nations shall have liberty to celebrate the rites of their respective religions in their own houses.

The Consuls, respectively, shall have liberty and personal security given them to travel within the territories of each other, both by land and sea, and shall not be prevented from going on board any vessels they may think proper to visit; they shall likewise have liberty to appoint their own dragoman and broker.

Consuls may travel within the territories of each party, &c.

ARTICLE XVI.

In case of any dispute arising from the violation of any of the articles of this treaty, no appeal shall be made to arms, nor shall war be declared on any pretext whatever; but if the Consul residing at the place where the dispute shall happen shall not be able to settle the same, the Government of that country shall state their grievance in writing and transmit the same to the Government of the other, and the period of three months shall be allowed for answers to be returned, during which time no act of hostility shall be permitted by either party; and in case the grievances are not redressed, and a war should be the event, the Consuls and citizens and subjects of both parties, respectively, shall be permitted to embark with their effects unmolested, on board of what vessel or vessels they shall think proper, reasonable time being allowed for that purpose.

Settlement of disputes arising from violation of this treaty.

ARTICLE XVII.

If, in the course of events, a war should break out between the two nations, the prisoners captured by either party shall not be made slaves; they shall not be forced to hard labor, or other confinement than such as may be necessary to secure their safe-keeping, and shall be exchanged rank for rank; and it is agreed that prisoners shall be exchanged in twelve months after their capture; and the exchange may be effected by any private individual legally authorized by either of the parties.

Prisoners of war.

ARTICLE XVIII.

If any of the Barbary States, or other powers at war with the United States, shall capture any American vessel and send her into any port of the Regency of Algiers, they shall not be permitted to sell her, but shall be forced to depart the port on procuring the requisite supplies of provisions; but the vessels of war of the United States, with any prizes they may capture from their enemies, shall have liberty to frequent the ports of Algiers for refreshments of any kind, and to sell such prizes in the said ports, without any other customs or duties than such as are customary on ordinary commercial importations.

Case of war between United States and third powers. Treatment of prizes.

ARTICLE XIX.

If any of the citizens of the United States, or any persons under their protection, shall have any disputes with each other, the Consul shall decide between the parties; and whenever the Consul shall require any aid or assistance from the Govern-

Settlement of disputes in general.

ment of Algiers to enforce his decision, it shall be immediately granted to him; and if any disputes shall arise between any citizens of the United States and the citizens or subjects of any other nation having a Consul or Agent in Algiers, such disputes shall be settled by the Consuls or Agents of the respective nations; and any disputes or suits at law that may take place between any citizens of the United States and the subjects of the Regency of Algiers, shall be decided by the Dey in person, and no other.

ARTICLE XX.

Case of assault.

If a citizen of the United States should kill, wound, or strike a subject of Algiers, or, on the contrary, a subject of Algiers should kill, wound, or strike a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the Consul assisting at the trial; but the sentence of punishment against an American citizen shall not be greater or more severe than it would be against a Turk in the same predicament; and if any delinquent should make his escape, the Consul shall not be responsible for him in any manner whatever.

ARTICLE XXI.

Free entry for Consul of United States.

The Consul of the United States of America shall not be required to pay any customs or duties whatever on anything he imports from a foreign country for the use of his house and family.

ARTICLE XXII.

Citizens of United States dying within the Regency of Algiers.

Should any of the citizens of the United States of America die within the limits of the Regency of Algiers, the Dey and his subjects shall not interfere with the property of the deceased, but it shall be under the immediate direction of the Consul, unless otherwise disposed of by will. Should there be no Consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them, when they shall render an account of the property; neither shall the Dey or his subjects give hinderance in the execution of any will that may appear.

I certify the foregoing to be a true copy of a treaty of peace negotiated by Commodore Decatur and myself with the Regency of Algiers, and signed by the Dey of that Regency on the 30th June, 1815.

On board the United States ship Guerriere, 6th July, 1815.

WM. SHALER.

ALGIERS, 1816.

RENEWED TREATY WITH ALGIERS.*

TREATY OF PEACE AND AMITY CONCLUDED BETWEEN THE UNITED STATES OF AMERICA AND THE DEY AND REGENCY OF ALGIERS DECEMBER 22 AND 23, 1816, AND RATIFIED FEBRUARY 11, 1822.

The President of the United States and the Dey of Algiers, being desirous to restore and maintain, upon a stable and permanent footing, the relations of peace and good understanding between the two powers,

* Statutes at Large, Vol. VIII, p. 244 *et seq.*

and for this purpose to renew the treaty of peace and amity which was concluded between the two States by William Shaler and Commodore Stephen Decatur, as Commissioners Plenipotentiary on the part of the United States, and His Highness Omar Bashaw, Dey of Algiers, on the 30th of June, 1815.

The President of the United States having subsequently nominated and appointed, by commission, the above-named William Shaler, and Isaac Chauncey, Commodore and Commander in Chief of all the Naval Forces of the United States in the Mediterranean, Commissioners Plenipotentiary, to treat with His Highness the Dey of Algiers for the renewal of the treaty aforesaid; and they have concluded, settled, and signed the following articles:

ARTICLE I.

There shall be, from the conclusion of this treaty, a firm, perpetual inviolable, and universal peace and friendship between the President and citizens of the United States of America, on the one part, and the Dey and subjects of the Regency of Algiers, in Barbary, on the other, made by the free consent of both parties, and on the terms of the most favored nations; and if either party shall hereafter grant to any other nation any particular favor or privilege in navigation or commerce, it shall immediately become common to the other party; freely, when freely it is granted to such other nations, but when the grant is conditional, it shall be at the option of the contracting parties to accept, alter, or reject such conditions, in such manner as shall be most conducive to their respective interests.

Peace and friendship.

Favors in navigation and commerce.

ARTICLE II.

It is distinctly understood between the contracting parties that no tribute, either as biennial presents, or under any other form or name whatever, shall be required by the Dey and Regency of Algiers from the United States of America, on any pretext whatever.

Tribute.

ARTICLE III.

[Relates to the mutual restitution of prisoners and subjects, and has been duly executed.]

See articles 3 and 4 of the treaty of June 30, 1815.

ARTICLE IV.

[Relates to the delivery, into the hands of the Consul General, of a quantity of bales of cotton, &c., and has been duly executed.]

ARTICLE V.

If any goods belonging to any nation with which either of the parties are at war should be loaded on board vessels belonging to the other party, they shall pass free and unmolested, and no attempt shall be made to take or detain them.

Enemies' property.

ARTICLE VI.

If any citizens or subjects, belonging to either party, shall be found on board a prize vessel taken from an enemy by the other party, such citizens or subjects shall be liberated immediately, and in no case, or on any pretense whatever, shall any American

Treatment of citizens or subjects of either party taken on board an enemy's vessel.

citizen be kept in captivity or confinement, or the property of any American citizen found on board of any vessel belonging to any nation with which Algiers may be at war, be detained from its lawful owners after the exhibition of sufficient proofs of American citizenship and American property, by the Consul of the United States residing at Algiers.

ARTICLE VII.

Passports to vessels of each party. Right of visit.

Proper passports shall immediately be given to the vessels of both the contracting parties, on condition that the vessels of war belonging to the Regency of Algiers, on meeting with merchant vessels belonging to the citizens of the United States of America, shall not be permitted to visit them with more than two persons besides the rowers; these only shall be permitted to go on board without first obtaining leave from the commander of said vessel, who shall compare the passports, and immediately permit said vessel to proceed on her voyage; and should any of the subjects of Algiers insult or molest the commander, or any other person on board a vessel so visited, or plunder any of the property contained in her, on complaint being made to the Consul of the United States residing in Algiers, and on his producing sufficient proofs to substantiate the fact, the commander or rais of said Algerine ship or vessel of war, as well as the offenders, shall be punished in the most exemplary manner.

Offenders abusing the right of visit.

Treatment of Algerine cruisers provided with passports.

All vessels of war belonging to the United States of America, on meeting a cruiser belonging to the Regency of Algiers, on having seen her passports and certificates from the Consul of the United States residing in Algiers, shall permit her to proceed on her cruise unmolested, and without detention. No passport shall be granted by either party to any vessels but such as are absolutely the property of citizens or subjects of the said contracting parties, on any pretense whatever.

ARTICLE VIII.

What shall be sufficient passport.

A citizen or subject of either of the contracting parties having bought a prize vessel condemned by the other party, or by any other nation, the certificates of condemnation and bill of sale shall be a sufficient passport for such vessel for six months; which, considering the distance between the two countries, is no more than a reasonable time for her to procure passports.

ARTICLE IX.

Furnishing of provisions.

Vessels of either of the contracting parties putting into the ports of the other, and having need of provisions or other supplies, shall be furnished at the market price; and if any such vessel should so put in from a disaster at sea, and have occasion to repair, she shall be at liberty to land and reëmbark her cargo, without paying any customs or duties whatever; but in no case shall be compelled to land her cargo.

Landing of cargo.

ARTICLE X.

Wrecks.

Should a vessel of either of the contracting parties be cast on shore within the territories of the other, all proper assistance shall be given to her and her crew; no pillage shall be allowed; the property shall remain at the disposal of the owners; and, if reshipped

on board of any vessel for exportation, no customs or duties whatever shall be required to be paid thereon, and the crew shall be protected and succored until they can be sent to their own country.

ARTICLE XI.

If a vessel of either of the contracting parties shall be attacked by an enemy within cannon shot of the forts of the other, she shall be protected as much as is possible. If she be in port, she shall not be seized or attacked when it is in the power of the other party to protect her; and when she proceeds to sea, no enemy shall be permitted to pursue her from the same port within twenty-four hours after her departure.

Protection of vessels of either party in ports of the other.

ARTICLE XII.

The commerce between the United States of America and the Regency of Algiers, the protections to be given to merchants, masters of vessels, and seamen, the reciprocal rights of establishing Consuls in each country, the privileges, immunities, and jurisdictions to be enjoyed by such Consuls, are declared to be on the same footing, in every respect, with the most favored nations, respectively.

Most favored nation clause.

ARTICLE XIII.

The Consul of the United States of America shall not be responsible for the debts contracted by the citizens of his own country, unless he gives previously written obligations so to do.

Consul of United States not responsible for debts of citizens.

ARTICLE XIV.

On a vessel or vessels of war belonging to the United States anchoring before the city of Algiers, the Consul is to inform the Dey of her arrival, when she shall receive the salutes which are, by treaty or custom, given to the ships of war of the most favored nations on similar occasions, and which shall be returned gun for gun; and if, after such arrival, so announced, any Christians whatever, captives in Algiers, make their escape and take refuge on board any of the said ships of war, they shall not be required back again, nor shall the Consul of the United States or commander of the said ship be required to pay anything for the said Christians.

Vessels of war of United States arriving in ports of Algiers.

ARTICLE XV.

As the Government of the United States has, in itself, no character of enmity against the laws, religion, or tranquillity of any nation, and as the said States have never entered into any voluntary war or act of hostility except in defense of their just rights on the high seas, it is declared, by the contracting parties, that no pretext arising from religious opinions shall ever produce an interruption of the harmony between the two nations; and the Consuls and Agents of both nations shall have liberty to celebrate the rights of their respective religions in their own houses.

Religious opinions.

The Consuls, respectively, shall have liberty and personal security given them to travel within the territories of each other by land and sea, and shall not be prevented from going on board any vessel they may think proper to visit; they shall likewise have the liberty to appoint their own dragoman and broker.

Consuls may travel within the territories of each party, &c.

ARTICLE XVI.

Disputes arising from violation of Treaty.

In case of any dispute arising from the violation of any of the articles of this treaty no appeal shall be made to arms, nor shall war be declared on any pretext whatever; but if the Consul residing at the place where the dispute shall happen shall not be able to settle the same, the Government of that country shall state their grievance in writing, and transmit the same to the Government of the other, and the period of three months shall be allowed for answers to be returned, during which time no act of hostility shall be permitted by either party; and in case the grievances are not redressed, and a war should be the event, the Consuls, and citizens, and subjects of both parties, respectively, shall be permitted to embark with their effects unmolested on board of what vessel or vessels they shall think proper, reasonable time being allowed for that purpose.

ARTICLE XVII.

Prisoners of war.

If, in the course of events, a war should break out between the two nations, the prisoners captured by either party shall not be made slaves; they shall not be forced to hard labor, or other confinement than such as may be necessary to secure their safe-keeping, and shall be exchanged rank for rank; and it is agreed that prisoners shall be exchanged in twelve months after their capture; and the exchange may be effected by any private individual legally authorized by either of the parties.

ARTICLE XVIII.

Case of war between United States and third party. Treatment of prises.

If any of the Barbary Powers, or other States at war with the United States, shall capture any American vessel and send her into any port of the Regency of Algiers, they shall not be permitted to sell her, but shall be forced to depart the port on procuring the requisite supplies of provisions; but the vessels of war of the United States, with any prizes they may capture from their enemies, shall have liberty to frequent the ports of Algiers for refreshment of any kind, and to sell such prizes in the said ports, without paying any other customs or duties than such as are customary on ordinary commercial importations.

ARTICLE XIX.

Settlement of disputes in general.

If any of the citizens of the United States, or any persons under their protection, shall have any disputes with each other, the Consul shall decide between the parties; and whenever the Consul shall require any aid or assistance from the Government of Algiers to enforce his decision, it shall be immediately granted to him; and if any disputes shall arise between any citizens of the United States and the citizens or subjects of any other nations having a Consul or Agent in Algiers, such disputes shall be settled by the Consuls or Agents of the respective nations; and any disputes or suits of law that may take place between any citizens of the United States and the subjects of the Regency of Algiers, shall be decided by the Dey in person, and no other.

ARTICLE XX.

Case of assault.

If a citizen of the United States should kill, wound, or strike a subject of Algiers, or, on the contrary, a subject of Algiers should kill, wound, or strike a citizen of the United States,

the law of the country shall take place, and equal justice shall be rendered, the Consul assisting at the trial; but the sentence of punishment against an American citizen shall not be greater or more severe than it would be against a Turk in the same predicament; and if any delinquent should make his escape, the Consul shall not be responsible for him in any manner whatever.

ARTICLE XXI.

Free entry for Consul of United States.

The Consul of the United States of America shall not be required to pay any customs or duties whatever on anything he imports from a foreign country for the use of his house and family.

ARTICLE XXII.

Citizens of United States dying within the Regency of Algiers.

Should any of the citizens of the United States of America die within the Regency of Algiers, the Dey and his subjects shall not interfere with the property of the deceased, but it shall be under the immediate direction of the Consul, unless otherwise disposed of by will. Should there be no Consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them, when they shall render an account of the property; neither shall the Dey or his subjects give hinderance in the execution of any will that may appear.

ARTICLE ADDITIONAL AND EXPLANATORY.

Eighteenth article of the foregoing treaty.

The United States of America, in order to give to the Dey of Algiers a proof of their desire to maintain the relations of peace and amity between the two powers upon a footing the most liberal, and in order to withdraw any obstacle which might embarrass him in his relations with other States, agree to annul so much of the eighteenth article of the foregoing treaty as gives to the United States any advantage in the ports of Algiers over the most favored nations having treaties with the Regency.

Done at the palace of the Government, in Algiers, on the 22d day of December, 1816, which corresponds to the third of the Moon Safar, year of the Hegira 1232.

Whereas the undersigned William Shaler, a citizen of the State of New York, and Isaac Chauncey, Commander in Chief of the Naval Forces of the United States stationed in the Mediterranean, being duly appointed Commissioners, by letters-patent under the signature of the President and seal of the United States of America, bearing date at the city of Washington, the 24th day of August, A. D. 1816, for negotiating and concluding the renewal of a treaty of peace between the United States of America and the Dey and subjects of the Regency of Algiers, we, therefore, William Shaler and Isaac Chauncey, Commissioners as aforesaid, do conclude the foregoing treaty, and every article and clause therein contained, reserving the same, nevertheless, for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the United States.

Done in the chancery of the Consulate General of the United States, in the city of Algiers, on the 23d day of December, in the year 1816, and of the independence of the United States the forty-first.

[L. S.] WM. SHALER.
[L. S.] I. CHAUNCEY.

[The signature of the Dey is stamped at the beginning and end of the treaty.]

ARGENTINE CONFEDERATION.

ARGENTINE CONFEDERATION, 1853.*

TREATY WITH THE ARGENTINE CONFEDERATION, CONCLUDED JULY 10, 1853; RATIFICATIONS EXCHANGED DECEMBER 20, 1854; PROCLAIMED APRIL 9, 1855.

Treaty for the free navigation of the rivers Parana and Uruguay, between the United States and the Argentine Confederation.

Preamble.

The President of the United States and His Excellency the Provisional Director of the Argentine Confederation, being desirous of strengthening the bonds of friendship which so happily subsist between their respective States and countries, and convinced that the surest means of arriving at this result is to take in concert all the measures requisite for facilitating and developing commercial relations, have resolved to determine by treaty the conditions of the free navigation of the rivers Parana and Uruguay, and thus to remove the obstacles which have hitherto impeded this navigation. With this object they have named as their Plenipotentiaries, that is to say:

Negotiators.

The President of the United States, Robert C. Schenck, Envoy Extraordinary and Minister Plenipotentiary of the United States to Brazil, and John S. Pendleton, Chargé d'Affaires of the United States to the Argentine Confederation; and His Excellency the Provisional Director of the Argentine Confederation, Doctor Don Salvador Maria del Carril, and Doctor Don José Benjamin Gorostiaga;

Who, after having communicated to each other their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I.

Free navigation of the Parana and Uruguay.

The Argentine Confederation, in the exercise of her sovereign rights, concedes the free navigation of the rivers Parana and Uruguay, wherever they may belong to her, to the merchant vessels of all nations, subject only to the conditions which this treaty establishes, and to the regulations sanctioned, or which may hereafter be sanctioned, by the national authority of the Confederation.

ARTICLE II.

Loading and unloading.

Consequently, the said vessels shall be admitted to remain, load, and unload in the places and ports of the Argentine Confederation which are open for that purpose.

ARTICLE III.

Beacons and marks.

The Government of the Argentine Confederation, being desirous to provide every facility for interior navigation, agrees to maintain beacons and marks pointing out the channels.

* Vol. X, Statutes at Large, p. 1001 *et seq.*

ARTICLE IV.

A uniform system shall be established by the competent authorities of the confederation, for the collection of the custom-house duties, harbor, lights, police, and pilotage dues along the whole course of the waters which belong to the Confederation.

Collection of duties and dues.

ARTICLE V.

The high contracting parties, considering that the Island of Martin Garcia may, from its position, embarrass and impede the free navigation of the confluents of the river Plate, agree to use their influence to prevent the possession of the said island from being retained or held by any State of the river Plate, or its confluents, which shall not have given its adhesion to the principle of their free navigation.

Government and possession of the island of Martin Garcia.

ARTICLE VI.

If it should happen (which God forbid) that war should break out between any of the States, Republics, or Provinces, of the river Plate or its confluents, the navigation of the rivers Parana and Uruguay shall remain free to the merchant flag of all nations, excepting in what may relate to munitions of war, such as arms of all kinds, gunpowder, lead, and cannon balls.

Navigation of said rivers in time of war.

ARTICLE VII.

Power is expressly reserved to His Majesty the Emperor of Brazil, and the Governments of Bolivia, Paraguay, and the Oriental State of Uruguay, to become parties to the present treaty, in case they should be disposed to apply its principles to the parts of the rivers Parana, Paraguay, and Uruguay, over which they may respectively possess fluvial rights.

South American Governments may accede to this treaty.

ARTICLE VIII.

The principal objects for which the rivers Parana and Uruguay are declared free to the commerce of the world, being to extend the mercantile relations of the countries which border them, and to promote immigration, it is hereby agreed that no favor or immunity shall be granted to the flag or trade of any other nation which shall not equally extend to those of the United States.

Most favored nation clause.

ARTICLE IX.

The present treaty shall be ratified on the part of the Government of the United States within fifteen months from its date, and within two days by His Excellency the Provisional Director of the Argentine Confederation, who shall present it to the first Legislative Congress of the Confederation, for their approbation.

Ratifications.

The ratifications shall be exchanged at the seat of Government of the Argentine Confederation, within the term of eighteen months.

In witness whereof, the respective Plenipotentiaries have signed this treaty, and affixed thereto their seals.

Done at San José de Flores, on the tenth day of July, in the year of our Lord one thousand eight hundred and fifty-three.

[SEAL.]	ROB'T C. SCHENCK.
[SEAL.]	JNO. S. PENDLETON.
[SEAL.]	SALVADOR MA. DEL CARRIL.
[SEAL.]	JOSÉ B. GOROSTIAGA.

ARGENTINE CONFEDERATION, 1853.*

TREATY WITH THE ARGENTINE CONFEDERATION, CONCLUDED JULY 27, 1853; RATIFICATIONS EXCHANGED DECEMBER 30, 1854; PROCLAIMED APRL 19, 1855.

Treaty of Friendship, Commerce, and Navigation, between the United States and the Argentine Confederation.

Preamble.

Commercial intercourse having been for some time established between the United States and the Argentine Confederation, it seems good for the security as well as the encouragement of such commercial intercourse, and for the maintenance of good understanding between the two Governments, that the relations now subsisting between them should be regularly acknowledged and confirmed by the signing of a treaty of friendship, commerce, and navigation; for this purpose they have nominated their respective Plenipotentiaries, that is to say:

Negotiators.

The President of the United States, Robert C. Schenck, Envoy Extraordinary and Minister Plenipotentiary of the United States to Brazil, and John S. Pendleton, Chargé d'Affaires of the United States to the Argentine Confederation; and His Excellency the Provisional Director of the Argentine Confederation, Doctor Don Salvador Maria del Carril, and Doctor Don José Benjamin Gorostiaga;

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Perpetual amity.

There shall be perpetual amity between the United States and their citizens on the one part, and the Argentine Confederation and its citizens on the other part.

ARTICLE II.

Freedom of commerce.

There shall be between all the territories of the United States and all the territories of the Argentine Confederation a reciprocal freedom of commerce. The citizens of the two countries, respectively, shall have liberty, freely and securely, to come with their ships and cargoes to all places, ports, and rivers in the territories of either, to which other foreigners, or the ships or cargoes of any other foreign nation or State, are, or may be, permitted to come; to enter into the same, and to remain or reside in any part thereof, respectively; to hire and occupy houses and warehouses, for the purposes of their residence and commerce; to trade in all kinds of produce, manufactures, and merchandise of lawful commerce; and generally to enjoy, in all their business, the most complete protection and security, subject to the general laws and usages of the two countries respectively.

Ships of war, post office and passenger packets.

In like manner, the respective ships of war, and post office or passenger packets of the two countries, shall have liberty, freely and securely, to come to all harbors, rivers, and places to which other foreign ships of war and packets are, or may be, permitted to come; to enter into the same, to anchor and remain there and refit, subject always to the laws and usages of the two countries respectively.

ARTICLE III.

Most favored nation clause.

The two high contracting parties agree that any favor, exemption, privilege, or immunity whatever, in matters of commerce or navigation, which either of them has actually granted, or

* Vol. X, Statutes at Large, p. 1005 *et seq.*

may hereafter grant, to the citizens or subjects of any other government, nation, or state, shall extend, in identity of cases and circumstances, to the citizens of the other contracting party, gratuitously, if the concession in favor of that other government, nation, or state, shall have been gratuitous; or, in return for an equivalent compensation, if the concession shall have been conditional.

ARTICLE IV.

No higher or other duties shall be imposed on the importation into the territories of either of the two contracting parties of any article of the growth, produce, or manufacture of the territories of the other contracting party, than are, or shall be, payable on the like article of any other foreign country; nor shall any other or higher duties or charges be imposed in the territories of either of the contracting parties, on the exportation of any article to the territories of the other, than such as are, or shall be, payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed upon the importation or exportation of any article of the growth, produce, or manufacture of the territories of either of the contracting parties, to or from the territories of the other, which shall not equally extend to the like article of any other foreign country.

No discriminating duties on account of nationality of growth or produce.

ARTICLE V.

No other or higher duties or charges, on account of tonnage, light or harbor dues, pilotage, salvage in case of average or shipwreck, or any other local charges, shall be imposed in the ports of the two contracting parties on the vessels of the other than those payable in the same ports on its own vessels.

No discriminating duties on vessels, &c.

ARTICLE VI.

The same duties shall be paid, and the same drawbacks and bounties allowed, upon the importation or exportation of any article into or from the territories of the United States or into or from the territories of the Argentine Confederation, whether such importation or exportation be made in vessels of the United States or in vessels of the Agentine Confederation.

Same subject.

ARTICLE VII.

The contracting parties agree to consider and treat as vessels of the United States and of the Argentine Confederation all those which, being furnished by the competent authority with a regular passport or sea-letter, shall, under the then existing laws and regulations of either of the two Governments, be recognized fully and *bona fide* as national vessels; by that country to which they respectively belong.

Nationality of vessels, what establishes it.

ARTICLE VIII.

All merchants, commanders of ships, and others, citizens of the United States, shall have full liberty, in all the territories of the Argentine Confederation, to manage their own affairs themselves, or to commit them to the management of whomsoever they please, as broker, factor, agent, or interpreter; nor shall they be obliged to employ any other persons in those capacities than those em-

Privileges of citizens as to trading and doing business.

ployed by citizens of the Argentine Confederation, nor to pay them any other salary or remuneration than such as is paid in like cases by citizens of the Argentine Confederation. And absolute freedom shall be allowed in all cases to the buyer and seller, to bargain and fix the price of any goods, wares, or merchandise imported into, or exported from, the Argentine Confederation, as they shall see good—observing the laws and established customs of the country. The same rights and privileges, in all respects, shall be enjoyed in the territories of the United States, by the citizens of the Argentine Confederation. The citizens of the two contracting parties shall reciprocally receive and enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice in the said countries respectively, for the prosecution and defense of their just rights, and they shall be at liberty to employ in all cases such advocates, attorneys, or agents as they may think proper; and they shall enjoy, in this respect, the same rights and privileges therein as native citizens.

ARTICLE IX.

Same subject.

In whatever relates to the police of the ports, the lading and unlading of ships, the safety of the merchandise, goods, and effects, and to the acquiring and disposing of property of every sort and denomination, either by sale, donation, exchange, testament, or in any other manner whatsoever, as also to the administration of justice, the citizens of the two contracting parties shall reciprocally enjoy the same privileges, liberties, and rights, as native citizens; and they shall not be charged in any of those respects with any higher imposts or duties than those which are paid, or may be paid, by native citizens—submitting, of course, to the local laws and regulations of each country respectively. If any citizen of either of the two contracting parties shall die without will or testament, in any of the territories of the other, the Consul General, or Consul of the nation to which the deceased belonged, or the representative of such Consul General or Consul, in his absence, shall have the right to intervene in the possession, administration, and judicial liquidation of the estate of the deceased, conformably with the laws of the country, for the benefit of the creditors and legal heirs.

Case of death of citizens of one country in territory of the other.

ARTICLE X.

Military service, forced loans, taxes, &c.

The citizens of the United States residing in the Argentine Confederation, and the citizens of the Argentine Confederation residing in the United States, shall be exempted from all compulsory military service whatsoever, whether by sea or by land, and from all forced loans, requisitions, or military exactions; and they shall not be compelled, under any pretext whatever, to pay any ordinary charges, requisitions, or taxes, greater than those that are paid by native citizens of the contracting parties respectively.

ARTICLE XI.

Consuls.

It shall be free for each of the two contracting parties to appoint Consuls, for the protection of trade, to reside in any of the territories of the other party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and either of the contracting par-

ties may except from the residence of Consuls such particular places as they judge fit to be excepted.

The archives and papers of the consulates of the respective Governments shall be respected inviolably, and under no pretext whatever shall any magistrate, or any of the local authorities, seize, or in any way interfere with them.

Privileges, &c., of Diplomatic Agents and Consuls.

The Diplomatic Agents and Consuls of the Argentine Confederation shall enjoy, in the territories of the United States, whatever privileges, exemptions, and immunities are, or shall be, granted to agents of the same rank, belonging to the most favored nation; and, in like manner, the Diplomatic Agents and Consuls of the United States, in the territories of the Argentine Confederation, shall enjoy, according to the strictest reciprocity, whatever privileges, exemptions, and immunities are, or may be, granted in the Argentine Confederation to the Diplomatic Agents and Consuls of the most favored nation.

ARTICLE XII.

Treatment of citizens of the other party in time of war.

For the better security of commerce between the United States and the Argentine Confederation, it is agreed that if, at any time, any interruption of friendly commercial intercourse, or any rupture, should unfortunately take place between the two contracting parties, the citizens of either of them, residing in the territories of the other, shall have the privilege of remaining and continuing their trade or occupation therein, without any manner of interruption, so long as they behave peaceably and commit no offense against the laws; and their effects and property, whether intrusted to individuals or to the State, shall not be liable to seizure or sequestration, or to any other demands than those which may be made upon the like effects or property belonging to the native inhabitants of the State in which such citizens may reside.

ARTICLE XIII.

Protection of citizens of one nation in territory of the other.

The citizens of the United States, and the citizens of the Argentine Confederation, respectively, residing in any of the territories of the other party, shall enjoy, in their houses, persons, and properties, the full protection of the Government.

Religious privileges.

They shall not be disturbed, molested, nor annoyed in any manner, on account of their religious belief, nor in the proper exercise of their peculiar worship, either within their own houses or in their own churches or chapels, which they shall be at liberty to build and maintain, in convenient situations, to be approved of by the local Government, interfering in no way with, but respecting the religion and customs of the country in which they reside. Liberty shall also be granted to the citizens of either of the contracting parties to bury those who may die in the territories of the other, in burial places of their own, which, in the same manner, may be freely established and maintained.

ARTICLE XIV.

Ratifications.

The present treaty shall be ratified on the part of the Government of the United States within fifteen months from the date, and within three days by His Excellency the Provisional Director of the Argentine Confederation, who will also present it to the first Legislative Congress of the Confederation, for their approval.

The ratifications shall be exchanged at the seat of Government of the Argentine Confederation within the term of eighteen months.

In witness whereof, the respective Plenipotentiaries have signed this treaty, and affixed thereto their seals.

Done at San José, on the twenty-seventh day of July, in the year of our Lord one thousand eight hundred and fifty-three.

[SEAL.]	ROBERT C. SCHENCK.
[SEAL.]	JNO. S. PENDLETON.
[SEAL.]	SALVADOR MA. DEL CARRIL.
[SEAL.]	JOSÉ B. GOROSTIAGA.

AUSTRIA.

AUSTRIA, 1829.*

TREATY OF COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE EMPEROR OF AUSTRIA, CONCLUDED AUGUST 27, 1829; RATIFICATIONS EXCHANGED FEBRUARY 10, 1831; PROCLAIMED THE SAME DAY.

The United States of America and His Majesty the Emperor of Austria, King of Hungary and Bohemia, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective States, of extending, also, and consolidating the commercial intercourse between them, and convinced that this object cannot better be accomplished than by adopting the system of an entire freedom of navigation and a perfect reciprocity, based upon principles of equity equally beneficial to both countries, have, in consequence, agreed to enter into negotiations for the conclusion of a treaty of commerce and navigation, for which purpose the President of the United States has conferred full powers on Martin Van Buren, their Secretary of State; and His Majesty the Emperor of Austria has conferred like powers on Lewis, Baron de Lederer, his said Majesty's Consul for the port of New York, and the said Plenipotentiaries having exchanged their said full powers, found in good and due form, have concluded and signed the following articles:

Preamble.

ARTICLE I.

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their commercial affairs; and they shall enjoy, to that effect, the same security, protection, and privileges as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing.

Freedom of commerce.

ARTICLE II.

Austrian vessels arriving, either laden or in ballast, in the ports of the United States of America, and, reciprocally, vessels of the United States arriving, either laden or in ballast, in the ports of the dominions of Austria, shall be treated on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, light-houses, pilotage, and port charges, as well as to the fees and perquisites of public officers and all other duties or charges of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishment whatsoever.

Tonnage duties &c., to be alike.

* Vol. VIII, Statutes at Large, p. 348 *et seq.*

ARTICLE III.

No discrimination in duties on imports.

All kind of merchandise and articles of commerce, either the produce of the soil or the industry of the United States of America, or of any other country, which may be lawfully imported into the ports of the dominions of Austria, in Austrian vessels, may also be so imported in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in Austrian vessels. And, reciprocally, all kind of merchandise and articles of commerce, either the produce of the soil or of the industry of the dominions of Austria, or of any other country, which may be lawfully imported into the ports of the United States, in vessels of the said States, may also be so imported in Austrian vessels without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in vessels of the United States of America.

ARTICLE IV.

Preceding stipulations mutually applicable.

To prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the two preceding articles are, to their full extent, applicable to Austrian vessels and their cargoes arriving in the ports of the United States of America; and, reciprocally, to vessels of the said States and their cargoes arriving in the ports of the dominions of Austria, whether the said vessels clear directly from the ports of the country to which they respectively belong, or from the ports of any other foreign country.

ARTICLE V.

Most favored nation.

No higher or other duties shall be imposed on the importation into the United States of any article the produce or manufacture of the dominions of Austria; and no higher or other duties shall be imposed on the importation into the dominions of Austria of any article the produce or manufacture of the United States, than are or shall be payable on the like article, being the produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation or exportation of any article the produce or manufacture of the United States, or of the dominions of Austria, to or from the ports of the United States, or to or from the ports of the dominions of Austria, which shall not equally extend to all other nations.

ARTICLE VI.

No discrimination in duties, bounties, and drawbacks on exports.

All kinds of merchandise and articles of commerce, either the produce of the soil or of the industry of the United States of America, or of any other country, which may be lawfully exported or reëxported from the ports of the said United States in national vessels, may also be exported or reëxported therefrom in Austrian vessels, without paying other or higher duties or charges of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishment what-

soever, than if the same merchandise or produce had been exported or reëxported in vessels of the United States of America.

An exact reciprocity shall be observed in the ports of the dominions of Austria, so that all kinds of merchandise and articles of commerce either the produce of the soil or of the industry of the said dominions of Austria, or of any other country, which may be lawfully exported or reëxported from Austrian ports in national vessels, may also be exported or reëxported therefrom in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported or reëxported in Austrian vessels.

And the same bounties and drawbacks shall be allowed, whether such exportation or reëxportation be made in vessels of the one party or of the other.

ARTICLE VII.

Coasting trade.

It is expressly understood and agreed that the coastwise navigation of both the contracting parties is altogether excepted from the operation of this treaty, and of every article thereof.

ARTICLE VIII.

Vessels of the parties to be equally favored.

No priority or preference shall be given, directly or indirectly, by either of the contracting parties, nor by any company, corporation, or agent, acting on their behalf or under their authority, in the purchase of any article of commerce, lawfully imported, on account of or in reference to the character of the vessel, whether it be of the one party or of the other, in which such article was imported, it being the true intent and meaning of the contracting parties that no distinction or difference whatever shall be made in this respect.

ARTICLE IX.

Most favored nation.

If either party shall hereafter grant to any other nation any particular favor in navigation or commerce, it shall immediately become common to the other party freely, where it is freely granted to such other nation, or on yielding the same compensation when the grant is conditional.

ARTICLE X.

Consuls, privilege of, &c.

The two contracting parties hereby reciprocally grant to each other the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Agents, and Commissaries of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations. But if any such Consuls shall exercise commerce, they shall be subjected to the same laws and usages to which the private individuals of their nation are subject in the same place, in respect of their commercial transactions.

ARTICLE XI.

Property of individuals of one party in territory of the other.

The citizens or subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise; and their representatives,

being citizens or subjects of the other party, shall succeed to their personal goods, whether by testament or *ab intestato*, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their will, paying such dues, taxes, or charges only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them. And if any question should arise among several claimants to which of them said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. But this article shall not derogate in any manner from the force of the laws already published, or hereafter to be published, by His Majesty the Emperor of Austria, to prevent the emigration of his subjects.

ARTICLE XII.

Duration of the treaty.

The present treaty shall continue in force for ten years, counting from the day of the exchange of the ratifications; and if twelve months before the expiration of that period neither of the high contracting parties shall have announced by an official notification to the other its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on, until the expiration of the twelve months which will follow a similar notification, whatever the time at which it may take place.

ARTICLE XIII.

Ratifications.

This treaty shall be approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Majesty the Emperor of Austria; and the ratifications shall be exchanged in the city of Washington, within twelve months from the date of the signature hereof,* or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed and sealed this treaty, both in the English and German languages, declaring, however, that, it having been originally composed in the former, the English version is to decide the interpretation, should any difference in regard to it unfortunately arise.

Done in triplicate, at Washington, this twenty-seventh day of August, in the year of our Lord one thousand eight hundred and twenty-nine.

[L. S.] M. VAN BUREN.
[L. S.] L. BARON DE LEDERER.

* This period was extended, with the advice and consent of the Senate, expressed in its resolution of February 3, 1831, and with the consent of the Emperor of Austria, expressed by his Minister in his certificate of the exchange of ratifications, February 10, 1831.

AUSTRIA, 1848.*

CONVENTION FOR THE EXTENSION OF CERTAIN STIPULATIONS CONTAINED IN THE TREATY OF COMMERCE AND NAVIGATION OF 27th AUGUST, 1829, BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE EMPEROR OF AUSTRIA, CONCLUDED MAY 8, 1848; RATIFICATIONS EXCHANGED AT WASHINGTON, FEBRUARY 23, 1850; PROCLAIMED FEBRUARY 25, 1850.

Preamble.

The United States of America and His Majesty the Emperor of Austria having agreed to extend to all descriptions of property the exemption from dues, taxes, or charges, which was secured to the personal goods of their respective citizens and subjects by the eleventh article of the treaty of commerce and navigation which was concluded between the parties on the 27th of August, 1829, and also for the purpose of increasing the powers granted to their respective Consuls by the tenth article of said treaty of commerce and navigation, have chosen for this purpose their respective Plenipotentiaries, namely:

Negotiators.

The President of the United States of America has conferred full powers on James Buchanan, Secretary of State of the United States; and His Majesty the Emperor of Austria upon his Chargé d'Affaires to the United States, John George Hülsemann;

Who, after having exchanged their said full powers, found in due and proper form, have agreed to and signed the following articles:

ARTICLE I.

Disposal of property of citizens of one party in territory of the other.

The citizens or subjects of each of the contracting parties shall have power to dispose of their personal property within the States of the other, by testament, donation, or otherwise; and their heirs, legatees, and donees, being citizens or subjects of the other contracting party, shall succeed to their said personal property, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country, where the said property lies, shall be liable to pay in like cases.

ARTICLE II.

Heirs to real property.

Where, on the death of any person holding real property, or property not personal, within the territories of one party, such real property would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by the laws of the country where such real property is situated, such citizen or subject shall be allowed a term of two years to sell the same, which term may be reasonably prolonged, according to circumstances, and to withdraw the proceeds thereof, without molestation, and exempt from any other charges than those which may be imposed in like cases upon the inhabitants of the country from which such proceeds may be withdrawn.

ARTICLE III.

Property of absent heirs.

In case of the absence of the heirs, the same care shall be taken, provisionally, of such real or personal property as would be taken in a like case of property belonging to the natives

* Vol. IX, Statutes at Large, p. 944 *et seq.*

of the country, until the lawful owner or the person who has a right to sell the same, according to Article II, may take measures to receive or dispose of the inheritance.

ARTICLE IV.

Consuls, &c.

The high contracting parties grant to each other the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Commercial Agents, and Vice-Commercial Agents, of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations; but if any of the said Consuls shall carry on trade, they shall be subjected to the same laws and usages to which private individuals of their nation are subjected in the same place.

Cases of difference between masters of vessels and their crews.

The said Consuls, Vice-Consuls, Commercial and Vice-Commercial Agents shall have the right as such to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country; or the said Consuls, Vice-Consuls, Commercial Agents, or Vice-Commercial Agents, should require their assistance in executing or supporting their own decisions. But this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

Deserters.

The said Consuls, Vice-Consuls, Commercial Agents, and Vice-Commercial Agents, are authorized to require the assistance of the local authorities for the search, arrest, and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply in writing to the competent tribunals, judges, and officers, and shall demand said deserters, proving by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals form legally part of the crews; and, on such claim being substantiated, the surrender shall not be refused.

Such deserters when arrested shall be placed at the disposal of the said Consuls, Vice-Consuls, Commercial Agents, and Vice-Commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. If, however, the deserter shall be found to have committed any crime or offense requiring trial, his surrender may be delayed until the tribunal before which his case shall be pending shall have pronounced its sentence, and such sentence shall have been carried into effect.

ARTICLE V.

Duration of treaty.

The present treaty shall continue in force for two years, counting from the day of the exchange of its ratifications; and if, twelve months before the expiration of that period, neither of the high contracting parties shall have announced by an official notification to the other its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on until the expiration of the twelve months which will follow a similar notification, whatever the time at which it may take place.

ARTICLE VI.*

This convention is concluded subject to the ratification of the President of the United States of America, by and with the advice and consent of the Senate thereof, and of His Majesty the Emperor of Austria; and the ratifications thereof shall be exchanged in Washington within the term of one year from the date of the signature thereof, or sooner if possible. Ratifications.

In witness whereof the respective Plenipotentiaries have signed the above articles, as well in German as in English, and have thereto affixed their seals.

Done in the city of Washington, on the eighth day of May, one thousand eight hundred and forty-eight, in the seventy-second year of the independence of the United States of America, and in the fourteenth year of the reign of His Majesty the Emperor of Austria.

[L. S.] JAMES BUCHANAN.
[L. S.] HÜLSEMANN.

AUSTRIA, 1856.†

CONVENTION WITH AUSTRIA, CONCLUDED JULY 3, 1856; RATIFICATIONS EXCHANGED DECEMBER 13, 1856; PROCLAIMED DECEMBER 15, 1856.

Convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States on the one part, and Austria on the other part.

Whereas it is found expedient, for the better administration of justice and the prevention of crime within the territories and jurisdiction of the parties, respectively, that persons committing certain heinous crimes, being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, and also to enumerate such crimes explicitly; and whereas the laws of Austria forbid the surrender of its own citizens to a foreign jurisdiction, the Government of the United States, with a view of making the convention strictly reciprocal, shall be held equally free from any obligation to surrender citizens of the United States; therefore, on the one part the United States of America, and on the other part His Majesty the Emperor of Austria, having resolved to treat on this subject, have, for that purpose, appointed their respective Plenipotentiaries, to negotiate and conclude a convention; that is to say: Preamble.

The President of the United States, William L. Marcy, Secretary of State; and His Majesty the Emperor of Austria, John George Chevalier de Hülsemann, his said Majesty's Minister Resident near the Government of the United States; Negotiators.

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* *Resolution of the Senate of the United States, February* 13, 1850.

Whereas the time limited by the sixth article of the convention for the extension of certain stipulations contained in the treaty of commerce and navigation of August 27, 1829, between the United States of America and His Majesty the Emperor of Austria, concluded at the city of Washington the 8th May, 1848, has expired before the ratification of the said convention by the Senate: Be it, therefore,

Resolved, (*two-thirds of the Senators present concurring*,) That the Senate advise and consent to the exchange of ratifications of the convention aforesaid, at any time prior to the 4th day of July next, whenever the same shall be offered by His Majesty the Emperor of Austria, and the said ratifications shall be deemed and taken to have been regularly exchanged, the limitation contained in said convention to the contrary notwithstanding.

Attest: ASBURY DICKINS, *Secretary*.

† Vol. XI, Statutes at Large, 691 *et seq.*

Who, after reciprocal communication of their respective powers, have agreed to and signed the following articles:

ARTICLE I.

Extradition of criminals.

It is agreed that the United States and Austria shall, upon mutual requisitions by them or their ministers, officers, or authorities, respectively made, deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder or piracy, or arson, or robbery, or forgery, or the fabrication or circulation of counterfeit money, whether coin or paper money, or the embezzlement of public moneys, committed within the jurisdiction of either party, shall seek an asylum or shall be found within the territories of the other: *Provided*, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offense had there been committed; and the respective judges and other magistrates of the two Governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates, respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive. The provisions of the present convention shall not be applied, in any manner, to the crimes enumerated in the first article committed anterior to the date thereof nor to any crime or offense of a political character.

Evidence.

Expense.

ARTICLE II.

Not to apply to either of the parties' own citizens.

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.

ARTICLE III.

Persons claimed may be retained to answer for offenses committed in the country where they are found.

Whenever any person accused of any of the crimes enumerated in this convention shall have committed a new crime in the territories of the State where he has sought an asylum or shall be found, such person shall not be delivered up, under the stipulations of this convention, until he shall have been tried and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

ARTICLE IV.

Duration of this treaty.

The present convention shall continue in force until the first of January, eighteen hundred and fifty-eight; and if neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention; each of the

high contracting parties reserving to itself the right of giving such notice to the other at any time after the expiration of the said 1st day of January, 1858.

ARTICLE V.

The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by His Majesty the Emperor of Austria, and the ratifications shall be exchanged at Washington within six months from the date hereof, or sooner if possible. Ratifications.

In faith whereof the respective Plenipotentiaries have signed this convention and have hereunto affixed their seals.

Done in duplicate at Washington, the third day of July, in the year of our Lord one thousand eight hundred and fifty-six, and of the Independence of the United States the eightieth. Date.

[L. S.] W. L. MARCY.
[L. S.] HÜLSEMANN.

AUSTRIA, 1870.

CONVENTION BETWEEN THE UNITED STATES AND AUSTRIA, CONCERNING THE RIGHTS, PRIVILEGES, AND IMMUNITIES OF CONSULS, &c., IN THE TWO COUNTRIES, SIGNED AT WASHINGTON, D. C., ON THE 11TH OF JULY, 1870. RATIFIED DECEMBER 19, 1870.

The President of the United States of America, and His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary, animated by the desire to define in a comprehensive and precise manner the reciprocal rights, privileges, and immunities of the Consuls General, Consuls, Vice-Consuls, and Consular Agents (their Chancellors and Secretaries) of the United States of America and of the Austro-Hungarian Monarchy, and to determine their duties and their respective sphere of action, have agreed upon the conclusion of a consular convention, and for that purpose have appointed their respective Plenipotentiaries, namely: the President of the United States of America, Hamilton Fish, Secretary of State of the United States; and His Majesty the Emperor of Austria, Apostolic King of Hungary, Charles, Baron von Lederer, Knight of the Imperial and Royal Order of Leopold, and His Majesty's Envoy Extraordinary and Minister Plenipotentiary in the United States of America, who, after communicating to each other their full powers, found in good and due form, have agreed upon the following articles: Preamble. Negotiators.

ARTICLE I.

Each of the high contracting parties shall be at liberty to establish Consuls General, Consuls, Vice-Consuls, or Consular Agents at the ports and places of trade of the other party, except those where it may not be convenient to recognize such officers; but this exception shall not apply to one of the high contracting parties without also applying to every other other Power. Consuls General, Consuls, and other Consular officers appointed and taking office according to the provisions of this article, in one or the other of the two countries, shall be free to exercise the right ac- Consuls General, Consuls, &c., appointment and recognition of.

corded them by the present convention throughout the whole of the district for which they may be respectively appointed. The said functionaries shall be admitted and recognized respectively upon presenting their credentials in accordance with the rules and formalities established in their respective countries. The exequatur required for the free exercise of their official duties shall be delivered to them free of charge; and upon exhibiting such exequatur they shall be admitted at once and without interference by the authorities, Federal or State, judicial or executive, of the ports, cities, and places of their residence and district, to the enjoyment of the prerogatives reciprocally granted.

Exequatur.

ARTICLE II.

The Consuls General, Consuls, Vice-Consuls, and Consular Agents, their chancellors, and other Consular Officers, if they are citizens of the State which appoints them, shall be exempt from military billetings, from service in the military or the national guard, and other duties of the same nature, and from all direct and personal taxation, whether Federal, State, or municipal, provided they be not owners of real estate, and neither carry on trade nor any industrial business.

Rights of Consuls General, &c., citizens of the State appointing them.

If, however, they are not citizens of the State which appoints them, or if they are citizens of the State in which they reside, or if they own property, or engage in any business there that is taxed under any laws of the country, then they shall be subject to the same taxes, charges, and assessments as other private individuals. They shall, moreover, enjoy personal immunities, except for acts regarded as crimes by the laws of the country in which they reside. If they are engaged in commerce, personal detention can be resorted to in their case only for commercial liabilities, and then in accordance only with general laws, applicable to all persons alike.

Rights of same when not citizens of State appointing them.

ARTICLE III.

Consuls General, Consuls, and their Chancellors, Vice-Consuls and Consular Officers, if citizens of the country which appoints them, shall not be summoned to appear as witnesses before a court of justice, except when, pursuant to law, the testimony of a consul may be necessary for the defence of a person charged with crime. In other cases the local court, when it deems the testimony of a Consul necessary, shall either go to his dwelling to have the testimony taken orally, or shall send there a competent officer to reduce it to writing, or shall ask of him a written declaration.

Testimony in courts of justice of Consuls, &c.

ARTICLE IV.

Consuls General, Consuls, Vice-Consuls, and Consular Agents shall be at liberty to place over the chief entrance of their respective offices the arms of their nation, with the inscription: "Consulate General," "Consulate," "Vice-Consulate," or "Consular Agency," as may be. They shall also be at liberty to hoist the flag of their country on the consular edifice, except when they reside in a city where the legation of their Government may be established. They shall also be at liberty to hoist their flag on board the vessel employed by them in port for the discharge of their duty.

Consuls &c., to have liberty to hoist flag, &c.

ARTICLE V.

The consular archives shall be at all times inviolable, and under no pretence whatever shall the local authorities be allowed to examine or seize the papers forming part of them.

Consular archives are inviolable.

ARTICLE VI.

In the event of incapacity, absence, or death of Consuls General, Consuls, Vice-Consuls, their Consular Pupils, Chancellors, or Secretaries, whose official character may have been previously made known to the respective authorities in the United States, or in the Austro-Hungarian Empire, shall be admitted at once to the temporary exercise of the consular functions, and they shall, for the duration of it, enjoy all the immunities, rights, and privileges conferred upon them by the convention.

Event of death of Consul, &c.

ARTICLE VII.

Consuls General and Consuls shall have the power to appoint Vice-Consuls and Consular Agents inthe cities, ports, and towns within their consular districts, subject, however, to the approbation of the Government of the country where they reside. These Vice-Consuls and Consular Agents may be selected indiscriminately from among citizens of the two countries or from foreigners, and they shall be furnished with a commission issued by the appointing Consul, under whose orders they are to be placed. They shall enjoy the privileges and liberties stipulated in this convention. To Vice-Consuls and to Consular Agents who are not citizens of the State which appoints them, the privileges and immunities specified in Article II shall not extend.

Power of Consuls to appoint Vice-Consuls, &c.

ARTICLE VIII.

Consuls General, Consuls, Vice-Consuls, or Consular Agents of the two countries may, in the exercise of their duties, apply to the authorities within their district, whether federal or local, judicial or executive, in the event of any infraction of the treaties and conventions between the two countries; also for the purpose of protecting the rights of their countrymen. Should the said authorities fail to take due notice of their application, they shall be at liberty, in the absence of any diplomatic representative of their country, to apply to the Government of the country where they reside.

Application of consuls, &c., to authorities.

ARTICLE IX.

Consuls General, Consuls, Vice-Consuls, or Consular Agents of the two countries, also their chancellors, shall have the right to take at their office, at the residence of the parties, or on board ship, the depositions of the captains and crews of vessels of their own nation, of passengers on board of them, of merchants, or any other citizens of their own country. They shall have the power also to receive and verify, conformably to the laws and regulations of their country: 1st. Wills and bequests of their countrymen, and all such acts and contracts between their countrymen as are intended to be drawn up in an authentic form, and verified. 2nd. Any and all acts of agreement entered upon between citizens of their own country and inhabitants of the country where they reside. All such acts of agreement, and other

Power of Consuls, &c., to receive and verify certain papers, &c.

instruments, and also copies thereof, when duly authenticated by such Consul General, Consul, Vice-Consul, or Consular Agent under his official seals, shall be received in courts of justice as legal documents, or as authenticated copies, as the case may be, and shall have the same force and effect as if drawn up by competent public officers of one or the other of the two countries. Consuls General, Consuls, Vice-Consuls, or Consular Agents of the respective countries shall have the power to translate and legalize all documents issued by the authorities or functionaries of their own country, and such papers shall have the same force and effect in the country where the aforesaid officers reside as if drawn up by sworn interpreters.

ARTICLE X.

Powers of Consuls, &c., relative to vessels belonging to their own country, their masters and crews.

Consuls General, Consuls, Vice-Consuls, or Consular Agents shall be at liberty to go on board the vessels of their nation admitted to entry, either in person or by proxy, and to examine the captain and crew, to look into the register of the ship, to receive declarations with reference to their voyage, their destination, and the incidents of the voyage; also, to draw up manifests, lists of freight, to assist in despatching their vessels, and finally to accompany the said captains or crews before the courts and before the administrative authorities, in order to act as their interpreters or agents in their business transactions or applications of any kind. The judicial authorities and custom-house officials shall in no case proceed to the examination or search of merchant vessels without previous notice to the consular authority of the nation to which the said vessels belong, in order to enable them to be present.

They shall also give due notice to Consuls, Vice-Consuls, or Consular Agents, in order to enable them to be present at any depositions or statements to be made in courts of law, or before local magistrates, by captains or persons composing the crew, thus to prevent errors or false interpretations which might impede the correct administration of justice.

The notice to Consuls, Vice-Consuls, or Consular Agents shall name the hour fixed for such proceedings, and upon the non-appearance of the said officers or their representatives, the case shall be proceeded with in their absence.

ARTICLE XI.

Settlement of disputes between masters and crews.

Consuls, Vice-Consuls, or Consular Agents, shall have exclusive charge of the internal order of the merchant vessels of their nation. They shall have therefore the exclusive power to take cognizance of and to settle all differences which may arise at sea or in port between captains, officers, and crews in reference to wages and the execution of mutual contracts, subject in each case to the laws of their own nation. The local authorities shall in no way interfere, except in cases where the differences on board ship are of a nature to disturb the peace and public order in port or on shore, or when persons other than the officers and crew of the vessel are parties to the disturbance, except as aforesaid, the local authorities shall confine themselves to the rendering of forcible assistance if required by the Consuls, Vice-Consuls, or Consular Agents, and shall cause the arrest, temporary imprisonment, and removal on board his own vessel of every person whose name is found on the muster-rolls or register of the ship or list of the crew.

ARTICLE XII.

Consuls General, Consuls, Vice-Consuls, or Consular Agents, shall have the power to cause the arrest of all sailors or all other persons belonging to the crews of vessels of their nation who may be guilty of having deserted on the respective territories of the high contracting Powers, and to have them sent on board or back to their native country. To that end they shall make a written application to the competent local authority, supporting it by the exhibition of the ship's register and list of the crew, or else, should the vessel have sailed previously, by producing an authenticated copy of these documents, showing that the persons claimed really do belong to the ship's crew. Upon such request the surrender of the deserter shall not be refused. Every aid and assistance shall, moreover, be granted to the said consular authorities for the detection and arrest of deserters, and the latter shall be taken to the prisons of the country and there detained at the request and expense of the consular authority until there may be an opportunity for sending them away. The duration of this imprisonment shall not exceed the term of three months, at the expiration of which time, and upon three days' notice to the consul, the prisoner shall be set free, and he shall not be liable to rearrest for the same cause. Should, however, the deserter have committed on shore an indictable offence, the local authorities shall be free to postpone his extradition until due sentence shall have been passed and executed. The high contracting parties agree that seamen, or other individuals forming part of the ship's crew, who are citizens of the country in which the desertion took place, shall not be affected by the provisions of this article.

Deserters.

ARTICLE XIII.

In all cases where no other agreement to the contrary exists between owners, freighters, and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter the respective ports voluntarily or by stress of weather, shall be settled by the Consuls General, Consuls, Vice-Consuls, or Consular Agents of their respective nations, provided no interests of citizens of the country where the said functionaries reside, nor of citizens of a third Power are concerned. In that case, and in the absence of a friendly compromise between all parties interested, the adjudication shall take place under supervision of the local authorities.

Settlement of damages sustained at sea by vessels of either party.

ARTICLE XIV.

In the event of a vessel belonging to the Government, or owned by a citizen of one of the two contracting States, being wrecked or cast on shore upon the coast of the other, the local authorities shall inform the Consuls General, Consuls, Vice-Consuls, or Consular Agents of the district of the occurrence, or if such Consular Agency does not exist, they shall communicate with the Consul General, Consul, Vice-Consul, or Consular Agent of the nearest district.

Wrecks.

All proceedings relative to the salvage of American vessels wrecked or cast on shore in Austro-Hungarian waters shall be directed by the United States Consuls General, Consuls, Vice-Consuls, or Consular Agents; also all proceedings relative to the salvage of Austro-Hungarian vessels wrecked or cast on shore in American waters, shall be directed by Austro-Hungarian Consuls General, Consuls, Vice-Consuls, or Consular Agents.

Salvage.

An interference of the local authorities in the two countries shall take

place for the purpose only of assisting the consular authorities in maintaining order and protecting the rights of salvors not belonging to the crew; also for enforcing the regulations relative to the import or export of the merchandise saved.

In the absence and until the arrival of the Consuls General, Consuls, Vice-Consuls, or Consular Agents, or their duly appointed delegates, the local authorities shall take all the necessary measures for the protection of persons and preservation of the property saved from the wreck.

No charges shall be made for the interference of the local authorities in such cases, except for expenses incurred through salvage and the preservation of property saved, also for those expenses which, under similar circumstances, vessels belonging to the country where the wreck happens would have to incur.

In case of a doubt concerning the nationality of the wrecks, the local authorities shall have exclusively the management and execution of the provisions laid down in the present article.

The high contracting parties also agree that all merchandise and goods not destined for consumption in the country in which the wreck takes place shall be free of all duties.

ARTICLE XV.

Most favored nation privileges accorded to Consuls, &c.

Consuls General, Consuls, Vice-Consuls, and Consular Agents also Consular Pupils, Chancellors, and Consular Officers shall enjoy in the two countries all the liberties, prerogatives, immunities, and privileges granted to functionaries of the same class of the most favored nation.

ARTICLE XVI.

Death of citizen of one country in territory of the other.

In case of the death of a citizen of the United States in the Austrian-Hungarian Monarchy, or of a citizen of the Austrian-Hungarian Monarchy in the United States, without having any known heirs or testamentary executors by him appointed, the competent local authorities shall inform the Consuls or Consular Agents of the State to which the deceased belonged of the circumstance, in order that the necessary information may be immediately forwarded to the parties interested.

ARTICLE XVII.

Duration of convention.

The present convention shall remain in force for the space of ten years from the date of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries, and exchanged at Washington within the period of ten (10) months, or sooner, if possible.*

In case neither of the contracting parties gives notice before the expiration of the said term of his intention not to renew this convention, it shall remain in force a year longer, and so on, from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

In testimony whereof the respective Plenipotentiaries have signed this convention, and hereunto affixed their respective seals.

Done in duplicate at Washington, the eleventh day of July, in the year of our Lord one thousand eight hundred and seventy.

[SEAL.] HAMILTON FISH.
[SEAL.] LEDERER.

* By resolution of the Senate the time for exchange of ratifications was extended three months.

AUSTRIA, 1870.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE AUSTRO-HUNGARIAN EMPIRE, RELATING TO NATURALIZATION, SIGNED AT VIENNA ON THE 20TH OF SEPTEMBER, 1870. RATIFIED MARCH 24, 1871.

Preamble.

The President of the United States of America, and His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary, led by the wish to regulate the citizenship of those persons who emigrate from the United States of America to the territories of the Austro-Hungarian Monarchy, and from the Austro-Hungarian Monarchy to the United States of America, have resolved to treat on this subject, and have for that purpose appointed Plenipotentiaries to conclude a convention, that is to say:

Negotiators.

The President of the United States of America, John Jay, Envoy Extraordinary and Minister Plenipotentiary from the United States to His Imperial and Royal Apostolic Majesty; and His Majesty the Emperor of Austria, etc., Apostolic King of Hungary, the Count Frederick Ferdinand de Beust, His Majesty's Privy Counsellor and Chamberlain, Chancellor of the Empire, Minister of the Imperial House and of Foreign Affairs, Grand Cross of the Orders of St. Stephen and Leopold, who have agreed to and signed the following articles:

ARTICLE I.

What constitutes naturalization.

Citizens of the Austro-Hungarian Monarchy who have resided in the United States of America uninterruptedly at least five years, and during such residence have become naturalized citizens of the United States, shall be held by the Government of Austria and Hungary to be American citizens, and shall be treated as such.

Reciprocally, citizens of the United States of America who have resided in the territories of the Austro-Hungarian Monarchy uninterruptedly at least five years, and during such residence have become naturalized citizens of the Austro-Hungarian Monarchy, shall be held by the United States to be citizens of the Austro-Hungarian Monarchy, and shall be treated as such.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

ARTICLE II.

Offences committed before emigration.

A naturalized citizen of the one party, on return to the territory of the other party, remains liable to trial and punishment for an action punishable by the laws of his original country committed before his emigration, saving always the limitation established by the laws of his original country and any other remission of liability to punishment.

Violation of laws relative to military duty.

In particular, a former citizen of the Austro-Hungarian Monarchy, who, under the first article, is to be held as an American citizen, is liable to trial and punishment, according to the laws of Austro-Hungary, for non-fulfilment of military duty: 1st. If he has emigrated, after having been drafted at the time of conscription, and thus having become enrolled as a recruit for service in the standing army. 2d. If he has emigrated whilst he stood in service under the flag, or had a leave of absence only for a limited time. 3d. If, having a leave of absence for an unlimited time, or belonging

to the reserve or to the militia, he has emigrated after having received a call into service, or after a public proclamation requiring his appearance, or after war has broken out. On the other hand, a former citizen of the Austro-Hungarian Monarchy, naturalized in the United States, who by, or after, his emigration has transgressed the legal provisions on military duty by any acts or omissions other than those above enumerated in the clauses numbered one, two, and three, can, on his return to his original country, neither be held subsequently to military service nor remain liable to trial and punishment for the non-fulfilment of his military duty.

ARTICLE III.

Treaties of 3d July, 1856, 8th May, 1848.

The convention for the mutual delivery of criminals, fugitives from justice, concluded on the 3d July, 1856, between the Government of the United States of America on the one part, and the Austro-Hungarian Monarchy on the other part, as well as the additional convention, signed on the 8th May, 1848, to the treaty of commerce and navigation concluded between the said Governments on the 27th of August, 1839, and especially the stipulations of Article IV of the said additional convention concerning the delivery of the deserters from the ships of war and merchant vessels, remain in force without change.

ARTICLE IV.

Renunciation of naturalization.

The emigrant from the one State, who, according to Article I, is to be held as a citizen of the other State, shall not, on his return to his original country, be constrained to resume his former citizenship; yet, if he shall of his own accord reacquire it, and renounce the citizenship obtained by naturalization, such a renunciation is allowable, and no fixed period of residence shall be required for the recognition of his recovery of citizenship in his original country.

ARTICLE V.

Duration of convention.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

ARTICLE VI.

Ratifications.

The present convention shall be ratified by the President of the United States, by and with the consent of the Senate of the United States, and by His Majesty the Emperor of Austria, etc., King of Hungary, with the constitutional consent of the two Legislatures of the Austro-Hungarian Monarchy, and the ratifications shall be exchanged at Vienna within twelve months from the date hereof.

In faith whereof the Plenipotentiaries have signed this convention as well in German as in English, and have thereto affixed their seals.

Done at Vienna the twentieth day of September, in the year of our Lord one thousand eight hundred and seventy, in the ninety-fifth year of the Independence of the United States of America, and in the twenty-second year of the reign of His Imperial and Royal Apostolic Majesty.

[SEAL.] JOHN JAY.
[SEAL.] BEUST.

BADEN.

BADEN, 1857.*

CONVENTION WITH BADEN, CONCLUDED JANUARY 30, 1857; RATIFICATIONS EXCHANGED APRIL 21, 1857; PROCLAIMED MAY 19, 1857.

Convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States on the one part, and the Grand Duchy of Baden on the other part.

Preamble.

Whereas it is found expedient, for the better administration of justice and the prevention of crime within the territories and jurisdiction of the parties, respectively, that persons committing certain heinous crimes, being fugitives from justice, should, under certain circumstances, be reciprocally delivered up; and also to enumerate such crimes explicitly; and whereas the laws and constitution of Baden do not allow its Government to surrender its own citizens to a foreign jurisdiction, the Government of the United States, with a view of making the convention strictly reciprocal, shall be held equally free from any obligation to surrender citizens of the United States; therefore, on the one part the United States of America, and on the other part His Royal Highness the Grand Duke of Baden, having resolved to treat on this subject, have, for that purpose, appointed their respective Plenipotentiaries to negotiate and conclude a convention; that is to say:

Negotiators.

The President of the United States of America, Peter D. Vroom, Envoy Extraordinary and Minister Plenipotentiary of the United States at the Court of the Kingdom of Prussia; and His Royal Highness the Grand Duke of Baden, Adolph, Baron Marschall de Bieberstein, His said Royal Highness's Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the King of Prussia, &c., &c., &c.;

Who, after reciprocal communication of their respective powers, have agreed to and signed the following articles:

ARTICLE I.

Extradition of criminals.

It is agreed that the United States and Baden shall, upon mutual requisitions by them, or their ministers, officers, or authorities, respectively made, deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the fabrication or circulation of counterfeit money, whether coin or paper money, or the embezzlement of public moneys, committed within the jurisdiction of either party, shall seek an asylum, or shall be found within the territories of the other: *Provided*, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offense had there been committed; and the respective judges and other magistrates of the two

* Vol. XI, Statutes at Large, p. 713 *et seq.*

Governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates, respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive.

Expense.

The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

Nothing in this article contained shall be construed to extend to crimes of a political character.

ARTICLE II.

Not to apply to subjects of the respective parties.

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.

ARTICLE III.

Extradition of persons committing crimes in the State to which they have fled.

Whenever any person accused of any of the crimes enumerated in this convention shall have committed a new crime in the territories of the State where he has sought an asylum or shall be found, such person shall not be delivered up under the stipulations of this convention until he shall have been tried, and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

ARTICLE IV.

Duration of convention.

The present convention shall continue in force until the first of January, one thousand eight hundred and sixty, (1860;) and if neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention, each of the high contracting parties reserving to itself the right of giving such notice to the other at any time after the expiration of the said first day of January, one thousand eight hundred and sixty, (1860.)

ARTICLE V.

Ratifications.

The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by the Government of Baden; and the ratifications shall be exchanged in Berlin within one year from the date hereof, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed this convention, and have hereunto affixed their seals.

Done in duplicate, at Berlin, the thirtieth day of January, one thousand eight hundred and fifty-seven, (1857,) and the eighty-first year of the independence of the United States.

[L. S.] P. D. VROOM.

[L. S.] ADOLPH BAR. MARSCHALL DE BIEBERSTEIN.

BADEN, 1868.*

TREATY BETWEEN THE UNITED STATES AND THE GRAND DUCHY OF BADEN—NATURALIZATION—CONCLUDED JULY 19, 1868; RATIFICATIONS EXCHANGED DECEMBER 7, 1869; PROCLAIMED JANUARY 10, 1870.

The President of the United States of America and His Royal Highness the Grand Duke of Baden, led by the wish to regulate the citizenship of those persons who emigrate from Baden to the United States of America, and from the United States of America to the territory of the Grand Duchy, have resolved to treat on this subject, and have for that purpose appointed Plenipotentiaries; that is to say:

Contracting parties.

The President of the United States of America, George Bancroft, Envoy Extraordinary and Minister Plenipotentiary from the said States near the Grand Duke of Baden; and His Royal Highness the Grand Duke of Baden, his President of the Ministry of the Grand-Ducal House and of Foreign Affairs and Chamberlain, Rudolph von Freydorf;

Negotiators.

Who have agreed to and signed the following articles:

ARTICLE I.

Citizens of the Grand Duchy of Baden, who have resided uninterruptedly within the United States of America five years, and before, during, or after that time have become or shall become naturalized citizens of the United States, shall be held by Baden to be American citizens, and shall be treated as such. Reciprocally, citizens of the United States of America who have resided uninterruptedly within the Grand Duchy of Baden five years, and before, during, or after that time have become or shall become naturalized citizens of the Grand Duchy of Baden, shall be held by the United States to be citizens of Baden, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

When native citizens of one country are to be treated as citizens of the other.

ARTICLE II.

A naturalized citizen of the one party, on return to the territory of the other party, remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, saving always the limitation established by the laws of his original country, or any other remission of liability to punishment. In particular, a former Badener who, under the first article, is to be held as an American citizen, is liable to trial and punishment according to the laws of Baden for non-fulfillment of military duty—

Offenses committed before emigration.

1. If he has emigrated after he, on occasion of the draft from those owing military duty, has been enrolled as a recruit for service in the standing army.

2. If he has emigrated whilst he stood in service under the flag, or had a leave of absence only for a limited time.

3. If, having a leave of absence for an unlimited time, or belonging to the reserve or to the militia, he has emigrated after having received a call into service, or after a public proclamation requiring his appearance, or after war has broken out.

* Pamphlet Laws, 2d session, 41st Congress, p. 329, (Vol. XVI of Statutes not yet out.)

On the other hand, a former Bdener, naturalized in the United States, who, by or after his emigration, has transgressed or shall transgress the legal provisions on military duty by any acts or omissions other than those above enumerated in the clauses numbered one to three, can, on his return to his original country, neither be held subsequently to military service nor remain liable to trial and punishment for the non-fulfillment of his military duty. Moreover, the attachment on the property of an emigrant for non-fulfillment of his military duty, except in the cases designated in the clauses numbered one to three, shall be removed so soon as he shall prove his naturalization in the United States according to the first article.

ARTICLE III.

Renunciation of naturalization.

The convention for the mutual delivery of criminals, fugitives from justice, concluded between the Grand Duchy of Baden on the one part, and the United States of America on the other part, the thirtieth day of January, one thousand eight hundred and fifty-seven, remains in force without change.

ARTICLE IV.

Recovery of citizenship in original country.

The emigrant from the one State who, according to the first article, is to be held as a citizen of the other State, shall not on his return to his original country be constrained to resume his former citizenship; yet if he shall of his own accord reacquire it and renounce the citizenship obtained by naturalization, such a renunciation is allowed, and no fixed period of residence shall be required for the recognition of his recovery of citizenship in his original country.

ARTICLE V.

Duration of convention.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall remain in force until the end of twelve months after either of the contracting parties shall have given notice of such intention.

ARTICLE VI.

Ratifications.

The present convention shall be ratified by His Royal Highness the Grand Duke of Baden, and by the President, by and with the advice and consent of the Senate of the United States, and the ratifications shall be exchanged at Carlsruhe as soon as possible.

In faith whereof the Plenipotentiaries have signed and sealed this convention.

CARLSRUHE, *the 19th July*, 1868.

[L. S.] GEORGE BANCROFT.
[L. S.] V. FREYDORF.

BAVARIA.

BAVARIA, 1845.*

CONVENTION WITH BAVARIA, CONCLUDED JANUARY 21, 1845; RATIFICATIONS EXCHANGED AT BERLIN NOVEMBER 4, 1845; PROCLAIMED AUGUST 16, 1846.

Convention for the mutual abolition of the droit d'aubaine and taxes on emigration between the United States of America and His Majesty the King of Bavaria.

The United States of America and His Majesty the King of Bavaria, having agreed, for the advantage of their respective citizens and subjects, to conclude a convention for the mutual abolition of the droit d'aubaine and taxes on emigration, have named, for this purpose, their respective Plenipotentiaries, namely: Preamble.

The President of the United States of America has conferred full powers on Henry Wheaton, their Envoy Extraordinary and Minister Plenipotentiary at the Royal Court of Prussia; and His Majesty the King of Bavaria, upon Count Maximilian von Lerchenfeld-Kœfering, his Chamberlain, Envoy Extraordinary and Minister Plenipotentiary at the Royal Prussian Court, Commander of the Royal Order of the Knights of St. George, of the Order for Merit in Civil Service of the Bavarian Crown, of St. Michael, Grand Cross of the Russian Imperial Order of St. Anne of the first class, of the Royal Prussian Order of the Red Eagle of the first class, Commander, Grand Cross of the Royal Swedish Order of the North Star, and Great Commander of the Royal Greek Order of the Saviour; Negotiators.

Who, after having exchanged their said full powers, found in due and proper form, have agreed to and signed the following articles:

ARTICLE I.

Every kind of *droit d'aubaine*, *droit de retraite*, and *droit de détraction* or tax on emigration, is hereby, and shall remain, abolished between the two contracting parties, their States, citizens, and subjects, respectively. Abolition of droit d'aubaine and taxes on emigration.

ARTICLE II.

Where, on the death of any person holding real property within the territories of one party, such real property would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a term of two years to sell the same, which term may be reasonably prolonged according to circumstances, and to withdraw the proceeds thereof, without molestation, and exempt from all duties of *détraction*. Heirs to real property.

* Vol. IX, Statutes at Large, p. 826 *et seq.*

ARTICLE III.

Citizens or subjects of each party to have power to dispose of their personal property in the States of the other, &c.

The citizens or subjects of each of the contracting parties shall have power to dispose of their (real and*) personal property within the States of the other, by testament, donation, or otherwise; and their heirs, legatees, and donees, being citizens or subjects of the other contracting party, shall succeed to their said (real and*) personal property, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country where the said property lies shall be liable to pay in like cases.

ARTICLE IV.

Property of absent heirs.

In case of the absence of the heirs, the same care shall be taken provisionally of such real or personal property as would be taken in a like case of property belonging to the natives of the country, until the lawful owner or the person who has a right to sell the same, according to Article II, may take measures to receive or dispose of the inheritance.

ARTICLE V.

Disputes concerning inheritances.

If any dispute should arise between different claimants to the same inheritance, they shall be decided in the last resort according to the laws, and by the judges, of the country where the property is situated.

ARTICLE VI.

Bavarian laws to prevent emigration not derogated.

But this convention shall not derogate in any manner from the force of the laws already published, or hereafter to be published, by His Majesty the King of Bavaria, to prevent the emigration of his subjects.

ARTICLE VII.

Ratifications.

This convention is concluded subject to the ratification of the President of the United States of America, by and with the advice and consent of their Senate, and of His Majesty the King of Bavaria, and the ratifications thereof shall be exchanged at Berlin within the term of fifteen months from the date of the signature hereof, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the above articles, as well in English as in German, and have thereto affixed their seals.

Done in quadruplicate, in the city of Berlin, on the twenty-first day of January, one thousand eight hundred and forty-five, in the sixty-ninth year of the independence of the United States of America, and the nineteenth of the reign of His Majesty the King of Bavaria.

[L. S.] HENRY WHEATON.
[L. S.] GRAF v. LERCHENFELD.

* The words in parentheses are, in the original treaty, encircled in red ink.

BAVARIA, 1853.*

EXTRADITION CONVENTION WITH BAVARIA, CONCLUDED SEPTEMBER 12, 1853; RATIFICATIONS EXCHANGED AT LONDON NOVEMBER 1, 1854; PROCLAIMED NOVEMBER 18, 1854.

Preamble.

The United States of America and His Majesty the King of Bavaria, actuated by an equal desire to further the administration of justice, and to prevent the commission of crimes in their respective countries, taking into consideration that the increased means of communication between Europe and America facilitate the escape of offenders, and that, consequently, provision ought to be made in order that the ends of justice shall not be defeated, have determined to conclude an arrangement destined to regulate the course to be observed in all cases with reference to the extradition of such individuals as, having committed any of the offenses hereafter enumerated, in one country, shall have taken refuge within the territories of the other. The constitution and laws of Bavaria, however, not allowing the Bavarian Government to surrender their own subjects for trial before a foreign court of justice, a strict reciprocity requires that the Government of the United States shall be held equally free from any obligation to surrender citizens of the United States. For which purposes the high contracting powers have appointed as their Plenipotentiaries:

Citizens not to be surrendered.

Negotiators.

The President of the United States, James Buchanan, Envoy Extraordinary and Minister Plenipotentiary of the United States at the Court of the United Kingdom of Great Britain and Ireland; His Majesty the King of Bavaria, Augustus Baron de Cetto, his said Majesty's Chamberlain, Envoy Extraordinary and Minister Plenipotentiary at the Court of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Knight Commander of the Order for Merit of the Bavarian Crown and of the Order for Merit of St. Michael, Knight Grand Cross of the Royal Grecian Order of our Saviour;

Who, after reciprocal communication of their respective full powers, found in good and due form, have agreed to the following articles:

ARTICLE I.

Extradition.

The Government of the United States and the Bavarian Government promise and engage, upon mutual requisitions by them or their ministers, officers, or authorities, respectively made, to deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged papers, or the fabrication or circulation of counterfeit money, whether coin or paper money, or the embezzlement of public moneys, committed within the jurisdiction of either party, shall seek an asylum, or shall be found within the territories of the other: *Provided*, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offense had there been committed; and the respective judges and other magistrates of the two Governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person

Evidence.

* Vol. X, Statutes at Large, p 1022 *et seq.*

so charged, that he may be brought before such judges or other magistrates respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive.

Expense.

The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

ARTICLE II.

Other German States.

The stipulations of this convention shall be applied to any other State of the German Confederation which may hereafter declare its accession thereto.

ARTICLE III.

Citizens not to be delivered up.

None of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.

ARTICLE IV.

Extradition of persons committing crimes in the State to which they have fled.

Whenever any person accused of any of the crimes enumerated in this convention shall have committed a new crime in the territories of the State where he has sought an asylum or shall be found, such person shall not be delivered up under the stipulations of this convention until he shall have been tried and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

ARTICLE V.

Duration of this convention.

The present convention shall continue in force until the first of January, one thousand eight hundred and fifty-eight; and if neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention; each of the high contracting parties reserving to itself the right of giving such notice to the other at any time after the expiration of the said first day of January, one thousand eight hundred and fifty-eight.

ARTICLE VI.

Ratifications.

The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by the Government of Bavaria, and the ratifications shall be exchanged in London within fifteen months from the date hereof, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed this convention and have hereunto affixed their seals.

Done in duplicate, in London, the twelfth day of September, one thousand eight hundred and fifty-three, and the seventy-eighth year of the independence of the United States.

[L. S.] JAMES BUCHANAN.
[L. S.] AUG. DE CETTO.

BAVARIA, 1868.*

TREATY BETWEEN THE UNITED STATES AND THE KING OF BAVARIA—CONCERNING THE CITIZENSHIP OF EMIGRANTS—CONCLUDED AT MUNICH MAY 26, 1868; RATIFICATIONS EXCHANGED SEPTEMBER 18, 1868; PROCLAIMED OCTOBER 8, 1868.

Preamble.

His Majesty the King of Bavaria and the President of the United States of America, led by the wish to regulate the citizenship of those persons who emigrate from Bavaria to the United States of America, and from the United States of America to the territory of the Kingdom of Bavaria, have resolved to treat on this subject, and have, for that purpose, appointed Plenipotentiaries to conclude a convention, that is to say;

Negotiators.

His Majesty the King of Bavaria, Dr. Otto, Baron of Völderndorff, Councillor of Ministry; and the President of the United States of America, George Bancroft, Envoy Extraordinary and Minister Plenipotentiary;

Who have agreed to and signed the following articles:

ARTICLE I.

Citizens of Bavaria, when to be held citizens of the United States, and vice versa.

Citizens of Bavaria who have become, or shall become, naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States for five years, shall be held by Bavaria to be American citizens, and shall be treated as such.

Reciprocally, citizens of the United States of America who have become, or shall become, naturalized citizens of Bavaria, and shall have resided uninterruptedly within Bavaria five years, shall be held by the United States to be Bavarian citizens, and shall be treated as such.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

ARTICLE II.

Offenses committed before emigration.

A naturalized citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, saving always the limitation established by the laws of his original country, or any other remission of liability to punishment.

ARTICLE III.

Convention of 1853.

The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States on the one part, and Bavaria on the other part, the twelfth day of September, eighteen hundred and fifty-three, remains in force without change.

ARTICLE IV.

Renunciation of naturalization.

If a Bavarian, naturalized in America, renews his residence in Bavaria, without the intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally, if an American, naturalized in Bavaria, renews

* Vol. XVI, Statutes at Large, p. 661 *et seq.*

his residence in the United States, without the intent to return to Bavaria, he shall be held to have renounced his naturalization in Bavaria. The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

ARTICLE V.

Duration of convention.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

ARTICLE VI.

Ratifications.

The present convention shall be ratified by His Majesty the King of Bavaria and by the President, by and with the advice and consent of the Senate of the United States, and the ratifications shall be exchanged at Munich within twelve months from the date thereof.

In faith whereof the Plenipotentiaries have signed and sealed this convention.

MUNICH, *the 26th May*, 1868.

[SEAL.] GEORGE BANCROFT.
[SEAL.] DR. OTTO FHR. VON VÖLDERNDORFF.

PROTOCOL.

Done at Munich the 26th May, 1868.

Protocol.

The undersigned met to-day to sign the treaty agreed upon in conformity with their respective full powers, relating to the citizenship of those persons who emigrate from Bavaria to the United States of America, and from the United States of America to Bavaria; on which occasion the following observations, more exactly defining and explaining the contents of this treaty, were entered in the following protocol:

I.

RELATING TO THE FIRST ARTICLE OF THE TREATY.

What is required to constitute a naturalized citizen.

1. Inasmuch as the copulative "and" is made use of, it follows, of course, that not the naturalization alone, but an additional five years' uninterrupted residence is required, before a person can be regarded as coming within the treaty; but it is by no means requisite that the five years' residence should take place after the naturalization. It is hereby further understood that if a Bavarian has been discharged from his Bavarian indigenate, or, on the other side, if an American has been discharged from his American citizenship in the manner legally prescribed by the Government of his original country, and then acquires naturalization in the other country in a rightful and perfectly valid manner, then an additional five years' residence shall no longer be required, but a person so naturalized shall from the moment of his naturalization be held and treated as a Bavarian, and reciprocally as an American citizen.

2. The words "resided uninterruptedly" are obviously to be under-

stood, not of a continued bodily presence, but in the legal sense, and therefore a transient absence, a journey, or the like, by no means interrupts the period of five years contemplated by the first article.

Residence, meaning of.

II.

RELATING TO THE SECOND ARTICLE OF THE TREATY.

1. It is expressly agreed that a person who, under the first article, is to be held as an adopted citizen of the other State, on his return to his original country cannot be made punishable for the act of emigration itself, not even though at a later day he should have lost his adopted citizenship.

No punishment for emigration.

III.

RELATING TO ARTICLE FOUR OF THE TREATY.

1. It is agreed on both sides that the regulative powers granted to the two Governments respectively by their laws for protection against resident aliens, whose residence endangers peace and order in the land, are not affected by the treaty. In particular the regulation contained in the second clause of the tenth article of the Bavarian military law of the 30th of January, 1868, according to which Bavarians emigrating from Bavaria before the fulfillment of their military duty cannot be admitted to a permanent residence in the land till they shall have become thirty-two years old, is not affected by the treaty. But yet it is established and agreed, that by the expression "permanent residence" used in the said article, the above described emigrants are not forbidden to undertake a journey to Bavaria for a less period of time and for definite purposes, and the royal Bavarian Government moreover cheerfully declares itself ready, in all cases in which the emigration has plainly taken place in good faith, to allow a mild rule in practice to be adopted.

Rights as to resident aliens.

"Permanent residence."

2. It is hereby agreed that when a Bavarian naturalized in America, and reciprocally an American naturalized in Bavaria, takes up his abode once more in his original country without the intention of return to the country of his adoption, he does by no means thereby recover his former citizenship; on the contrary, in so far as it relates to Bavaria, it depends on His Majesty the King whether he will or will not in that event grant the Bavarian citizenship anew.

Recovery of former citizenship.

The article fourth shall accordingly have only this meaning, that the adopted country of the emigrant cannot prevent him from acquiring once more his former citizenship; but not that the State to which the emigrant originally belonged is bound to restore him at once to his original relation.

On the contrary, the citizen naturalized abroad must first apply to be received back into his original country in the manner prescribed by its laws and regulations, and must acquire citizenship anew, exactly like any other alien.

But yet it is left to his own free choice whether he will adopt that course or will preserve the citizenship of the country of his adoption.

The two Plenipotentiaries give each other mutually the assurance that their respective Governments in ratifying this treaty will also regard as approved and will maintain the agreements and explanations contained in the present protocol, without any further formal ratification of the same.

[L. S.] GEORGE BANCROFT.
[L. S.] DR. OTTO FHR. VON VÖLDERNDORFF.

BELGIUM.

BELGIUM, 1845.*

TREATY OF COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF THE BELGIANS, CONCLUDED NOVEMBER 10, 1845; RATIFICATIONS EXCHANGED MARCH 30, 1846; PROCLAIMED MARCH 31, 1846.

[The operation of this treaty terminated August 20, 1858, by force of notice given by the Belgian Government in accordance with Article XIX.]

The United States of America on the one part, and His Majesty the King of the Belgians on the other part, wishing to regulate in a formal manner their reciprocal relations of commerce and navigation, and further to strengthen, through the development of their interests respectively, the bonds of friendship and good understanding so happily established between the Governments and people of the two countries; and desiring, with this view, to conclude, by common agreement, a treaty establishing conditions equally advantageous to the commerce and navigation of both States, have, to that effect, appointed as their Plenipotentiaries, namely:

Negotiators.

The President of the United States, Thomas G. Clemson, Chargé d'Affaires of the United States of America to His Majesty the King of the Belgians; and His Majesty the King of the Belgians, M. Adolphe Dechamps, Officer of the Order of Leopold, Knight of the Order of the Red Eagle of the first class, Grand Cross of the Order of St. Michael of Bavaria, his Minister for Foreign Affairs, a member of the Chamber of Representants;

Who, after having communicated to each other their full powers, ascertained to be in good and proper form, have agreed and concluded the following articles:

ARTICLE I.

Freedom of commerce.

There shall be full and entire freedom of commerce and navigation between the inhabitants of the two countries; and the same security and protection which is enjoyed by the citizens or subjects of each country shall be guaranteed on both sides. The said inhabitants, whether established or temporarily residing within any ports, cities, or places whatever, of the two countries, shall not, on account of their commerce or industry, pay any other or higher duties, taxes, or imposts, than those which shall be levied on citizens or subjects of the country in which they may be; and the privileges, immunities, and other favors, with regard to commerce or industry, enjoyed by the citizens or subjects of one of the two States, shall be common to those of the other.

ARTICLE II.

No discrimination in tonnage duties, &c.

Belgian vessels, whether coming from a Belgian or a foreign port, shall not pay, either on entering or leaving the ports of the United States, whatever may be their destination, any

* Vol. VIII, Statutes at Large, p. 606 *et seq.*

other or higher duties of tonnage, pilotage, anchorage, buoys, light-houses, clearance, brokerage, or generally other charges whatsoever than are required from vessels of the United States in similar cases. This provision extends not only to duties levied for the benefit of the State, but also to those levied for the benefit of provinces, cities, countries, districts, townships, corporations, or any other division or jurisdiction, whatever may be its designation.

ARTICLE III.

Reciprocally, vessels of the United States, whether coming from a port of said States or from a foreign port, shall not pay, either on entering or leaving the ports of Belgium, whatever may be their destination, any other or higher duties of tonnage, pilotage, anchorage, buoys, light-houses, clearance, brokerage, or generally other charges whatever than are required from Belgian vessels in similar cases. This provision extends not only to duties levied for the benefit of the State, but also to those levied for the benefit of provinces, cities, countries, districts, townships, corporations, or any other division or jurisdiction, whatever may be its designation.

Same subject.

ARTICLE IV.

The restitution by Belgium of the duty levied by the Government of the Netherlands on the navigation of the Scheldt, in virtue of the third paragraph of the ninth article of the treaty of April nineteenth, eighteen hundred and thirty-nine, is guaranteed to the vessels of the United States.

Restitution of Scheldt duty.

ARTICLE V.

Steam vessels of the United States and of Belgium, engaged in regular navigation between the United States and Belgium, shall be exempt in both countries from the payment of duties of tonnage, anchorage, buoys, and light-houses.

Certain steam vessels exempt from duties.

ARTICLE VI.

As regards the coasting trade between the ports of either country, the vessels of the two nations shall be treated on both sides on the same footing with the vessels of the most favored nations.

Coasting trade.

ARTICLE VII.

Articles of every description, whether proceeding from the soil, industry, or warehouses of Belgium, directly imported therefrom, into the ports of the United States, in Belgian vessels, shall pay no other or higher duties of import than if they were imported under the flag of said States.

Duties on direct imports.

And reciprocally, articles of every description directly imported into Belgium from the United States, under the flag of the said States, shall pay no other or higher duties than if they were imported under the Belgian flag.

It is well understood:

1st. That the goods shall have been really put on board in the ports from which they are declared respectively to come.

2d. That a putting-in at an intermediate port, produced by uncontrollable circumstances, duly proved, does not occasion the forfeiture of the advantage allowed to direct importation.

ARTICLE VIII.

Duties on indirect imports.

Articles of every description, imported into the United States from other countries than Belgium, under the Belgian flag, shall pay no other or higher duties whatsoever than if they had been imported under the flag of the most favored foreign nation, other than the flag of the country from which the importation is made. And reciprocally, articles of every description imported under the flag of the United States into Belgium, from other countries than the United States, shall pay no other or higher duties whatsoever than if they had been imported under the flag of the foreign nation most favored, other than that of the country from which the importation is made.

ARTICLE IX.

Export duties.

Articles of every description, exported by Belgian vessels, or by those of the United States of America, from the ports of either country to any country whatsoever, shall be subjected to no other duties or formalities than such as are required for exportation under the flag of the country where the shipment is made.

ARTICLE X.

Premiums, drawbacks, &c., to be common.

All premiums, drawbacks, or other favors of like nature, which may be allowed in the States of either of the contracting parties, upon goods imported or exported in national vessels, shall be likewise, and in the same manner, allowed upon goods imported directly from one of the two countries by its vessels into the other, or exported from one of the two countries by the vessels of the other to any destination whatsoever.

ARTICLE XI.

Importation of salt, &c.

The preceding article is, however, not to apply to the importation of salt, and of the produce of the national fisheries; each of the two parties reserving to itself the faculty of granting special privileges for the importation of those articles under its own flag.

ARTICLE XII.

Passport, &c., of vessels regarded as proof of nationality.

The high contracting parties agree to consider and to treat as Belgian vessels, and as vessels of the United States, all those which, being provided by the competent authority with a passport, sea-letter, or any other sufficient document, shall be recognized conformably with existing laws as national vessels in the country to which they respectively belong.

ARTICLE XIII.

Duties on portions of cargo remaining on board.

Belgian vessels and those of the United States may, conformably with the laws of the two countries, retain on board, in the ports of both, such parts of their cargoes as may be destined for a foreign country; and such parts shall not be subjected, either while they remain on board, or upon reëxportation, to any charges whatsoever other than those for the prevention of smuggling.

ARTICLE XIV.

Warehouse charges, &c.

During the period allowed by the laws of the two countries respectively for the warehousing of goods, no duties, other than those of watch and storage, shall be levied upon articles brought

from either country into the other, while awaiting transit, reëxportation, or entry for consumption. Such goods shall in no case be subject to higher warehouse charges or to other formalities than if they had been imported under the flag of the country.

ARTICLE XV.

In all that relates to duties of customs and navigation, the two high contracting parties promise, reciprocally, not to grant any favor, privilege, or immunity to any other State, which shall not instantly become common to the citizens and subjects of both parties respectively; gratuitously, if the concession or favor to such other State is gratuitous, and on allowing the same compensation or its equivalent if the concession is conditional.

Most favored nation.

Neither of the contracting parties shall lay upon goods proceeding from the soil or the industry of the other party, which may be imported into its ports, any other or higher duties of importation or reëxportation than are laid upon the importation and reëxportation of similar goods coming from any other foreign country.

ARTICLE XVI.

In cases of shipwreck, damages at sea, or forced putting-in, each party shall afford to the vessels of the other, whether belonging to the State or to individuals, the same assistance and protection, and the same immunities, which would have been granted to its own vessels in similar cases.

Shipwreck.

ARTICLE XVII.

It is moreover agreed between the two contracting parties that the Consuls and Vice-Consuls of the United States in the ports of Belgium, and, reciprocally, the Consuls and Vice-Consuls of Belgium in the ports of the United States, shall continue to enjoy all the privileges, protection, and assistance usually granted to them, and which may be necessary for the proper discharge of their functions. The said Consuls and Vice-Consuls may cause to be arrested and sent back, either to their vessels or to their country, such seamen as may have deserted from the vessels of their nation. To this end they shall apply in writing to the competent local authorities, and they shall prove, by exhibition of the vessel's crew list, or other document, or, if she shall have departed, by copy of said documents, duly certified by them, that the seamen whom they claim formed part of the said crew. Upon such demand, thus supported, the delivery of the deserters shall not be refused. They shall moreover receive all aid and assistance in searching for, seizing, and arresting such deserters, who shall, upon the requisition and at the expense of the Consul or Vice-Consul, be confined and kept in the prisons of the country until he shall have found an opportunity for sending them home. If, however, such an opportunity should not occur within three months after the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause. It is, however, understood that seamen of the country in which the desertion shall occur are excepted from these provisions, unless they be naturalized citizens or subjects of the other country.

Consuls and Vice-Consuls.

Deserters.

ARTICLE XVIII.

Articles of all kinds, the transit of which is allowed in Belgium, com-

ing from or going to the United States, shall be exempt from all transit duty in Belgium, when the transportation through the Belgian territory is effected on the railroads of the State.

Transit duties.

ARTICLE XIX.

The present treaty shall be in force during ten years from the date of the exchange of the ratifications, and until the expiration of twelve months after either of the high contracting parties shall have announced to the other its intention to terminate the operation thereof; each party reserving to itself the right of making such declaration to the other at the end of the ten years above mentioned; and it is agreed, that after the expiration of the twelve months of prolongation accorded on both sides, this treaty and all its stipulations shall cease to be in force.

Duration of this treaty.

ARTICLE XX.

This treaty shall be ratified and the ratifications shall be exchanged at Washington within the term of six months after its date, or sooner if possible; and the treaty shall be put in execution within the term of twelve months.

Ratifications.

In faith whereof the respective Plenipotentiaries have signed the present treaty, in duplicate, and have affixed thereto their seals.

Brussels, the tenth of November, eighteen hundred and forty-five.

[L. S.] THOS. G. CLEMSON.
[L. S.] A. DECHAMPS.

BELGIUM, 1858.*

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF THE BELGIANS, CONCLUDED AT WASHINGTON JULY 17, 1858; RATIFICATIONS EXCHANGED APRIL 16, 1859; PROCLAIMED APRIL 19, 1859.

The United States of America on the one part, and His Majesty the King of the Belgians on the other part, wishing to regulate in a formal manner their reciprocal relations of commerce and navigation, and further to strengthen, through the development of their interests, respectively, the bonds of friendship and good understanding so happily established between the Governments and the people of the two countries; and desiring with this view to conclude, by common agreement, a treaty establishing conditions equally advantageous to the commerce and navigation of both States, have to that effect appointed as their Plenipotentiaries, namely:

Preamble.

The President of the United States, Lewis Cass, Secretary of State of the United States; and His Majesty the King of the Belgians, Mr. Henri Bosch Spencer, decorated with the Cross of Iron, Chevalier of the Order of Leopold, Chevalier of the Polar Star, his Chargé d'Affaires in the United States;

Negotiators.

Who, after having communicated to each other their full powers, ascertained to be in good and proper form, have agreed to and concluded the following articles:

* Vol. XII, Statutes at Large, p. 1043 *et seq.*

ARTICLE I.

There shall be full and entire freedom of commerce and navigation between the inhabitants of the two countries, and the same security and protection which is enjoyed by the citizens or subjects of each country shall be guaranteed on both sides. The said inhabitants, whether established or temporarily residing within any ports, cities, or places whatever of the two countries, shall not, on account of their commerce or industry, pay any other or higher duties, taxes, or imposts than those which shall be levied on citizens or subjects of the country in which they may be; and the privileges, immunities, and other favors, with regard to commerce or industry, enjoyed by the citizens or subjects of one of the two States, shall be common to those of the other.

Freedom of commerce and navigation

Favors, &c., to be common.

ARTICLE II.

Belgian vessels, whether coming from a Belgian or a foreign port, shall not pay, either on entering or leaving the ports of the United States, whatever may be their destination, any other or higher duties of tonnage, pilotage, anchorage, buoys, light-houses, clearance, brokerage, or generally other charges whatsoever than are required from vessels of the United States in similar cases. This provision extends not only to duties levied for the benefit of the State, but also to those levied for the benefit of provinces, cities, countries, districts, townships, corporations, or any other division or jurisdiction, whatever may be its designation.

No discrimination in duties, &c.

ARTICLE III.

Reciprocally, vessels of the United States, whether coming from a port of said States or from a foreign port, shall not pay, either on entering or leaving the ports of Belgium, whatever may be their destination, any other or higher duties of tonnage, pilotage, anchorage, buoys, light-houses, clearance, brokerage, or generally other charges whatever, than are required from Belgian vessels in similar cases. This provision extends not only to duties levied for the benefit of the State, but also to those levied for the benefit of provinces, cities, countries, districts, townships, corporations, or any other division or jurisdiction, whatever may be its designation.

Same subject.

ARTICLE IV.

Steam vessels of the United States and of Belgium engaged in regular navigation between the United States and Belgium, shall be exempt in both countries from the payment of duties of tonnage, anchorage, buoys, and light-houses.

Exemption of steam vessels from certain duties.

ARTICLE V.

As regards the coasting trade between the ports of either country, the vessels of the two nations shall be treated on both sides on the same footing with the vessels of the most favored nations.

Coasting trade.

ARTICLE VI.

Objects of any kind soever introduced into the ports of either of the

two States under the flag of the other, whatever may be their origin and from what country soever the importation thereof may have been made, shall not pay other or higher entrance duties, nor shall be subjected to other charges or restrictions, than they would pay or be subjected to were they imported under the national flag.

No discrimination in duties on imports, direct or indirect.

ARTICLE VII.

Articles of every description exported by Belgian vessels, or by those of the United States of America, from the ports of either country to any country whatsoever, shall be subjected to no other duties or formalities than such as are required for exportation under the flag of the country where the shipment is made.

Export duties.

ARTICLE VIII.

All premiums, drawbacks, or other favors of like nature, which may be allowed in the States of either of the contracting parties upon goods imported or exported in national vessels, shall be likewise and in the same manner allowed upon goods imported directly from one of the two countries by its vessels into the other, or exported from one of the two countries by the vessels of the other to any destination whatsoever.

No discrimination in premiums, drawbacks, &c.

ARTICLE IX.

The preceding article is, however, not to apply to the importation of salt, and of the produce of the national fisheries, each of the two parties reserving to itself the faculty of granting special privileges for the importation of those articles under its own flag.

Salt and fisheries.

ARTICLE X.

The high contracting parties agree to consider and to treat as Belgian vessels, and as vessels of the United States, all those which, being provided by the competent authority with a passport, sea-letter, or any other sufficient document, shall be recognized, conformably with existing laws, as national vessels in the country to which they respectively belong.

What is to be regarded as proof of nationality.

ARTICLE XI.

Belgian vessels and those of the United States may, conformably with the laws of the two countries, retain on board, in the ports of both, such parts of their cargoes as may be destined for a foreign country; and such parts shall not be subjected, either while they remain on board or upon reëxportation, to any charges whatsoever other than those for the prevention of smuggling.

No duties on portions of cargoes remaining on board.

ARTICLE XII.

During the period allowed by the laws of the two countries respectively for the warehousing of goods, no duties, other than those of watch and storage, shall be levied upon articles brought from either country into the other while awaiting transit, reëxportation, or entry for consumption. Such goods shall in no case be subject to higher warehouse charges or to other formalities than if they had been imported under the flag of the country.

No discrimination in warehouse charges, &c.

ARTICLE XIII.

In all that relates to duties of customs and navigation, the two high contracting parties promise, reciprocally, not to grant any favor, privilege, or immunity to any other State which shall not instantly become common to the citizens and subjects of both parties, respectively; gratuitously, if the concession or favor to such other State is gratuitous, and on allowing the same compensation, or its equivalent, if the concession is conditional. Most favored nation.

Neither of the contracting parties shall lay upon goods proceeding from the soil or the industry of the other party, which may be imported into its ports, any other or higher duties of importation or reëxportation than are laid upon the importation or reëxportation of similar goods coming from any other foreign country.

ARTICLE XIV.

In cases of shipwreck, damages at sea, or forced putting-in, each party shall afford to the vessels of the other, whether belonging to the State or to individuals, the same assistance and protection, and the same immunities, which would have been granted to its own vessels in similar cases. Shipwrecks.

ARTICLE XV.

It is, moreover, agreed between the two contracting parties that the Consuls and Vice-Consuls of the United States in the ports of Belgium, and, reciprocally, the Consuls and Vice-Consuls of Belgium in the ports of the United States, shall continue to enjoy all the privileges, protection, and assistance usually granted to them, and which may be necessary for the proper discharge of their functions. The said Consuls and Vice-Consuls may cause to be arrested and sent back, either to their vessels or to their country, such seamen as may have deserted from the vessels of their nation. To this end they shall apply in writing to the competent local authorities, and they shall prove, by exhibition of the vessel's crew-list or other document, or, if she shall have departed, by copy of said documents, duly certified by them, that the seamen whom they claim formed part of the said crew. Upon such demand, thus supported, the delivery of the deserters shall not be refused. They shall, moreover, receive all aid and assistance in searching for, seizing, and arresting such deserters, who shall, upon the requisition and at the expense of the Consul or Vice-Consul, be confined and kept in the prisons of the country until he shall have found an opportunity for sending them home. If, however, such an opportunity should not occur within three months after the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause. It is, however, understood that seamen of the country in which the desertion shall occur are excepted from these provisions, unless they be naturalized citizens or subjects of the other country. Consuls and Vice-Consuls. Deserters.

ARTICLE XVI.

Articles of all kinds, the transit of which is allowed in Belgium, coming from or going to the United States, shall be exempt from all transit duty in Belgium, when the transportation through the Belgian territory is effected on the railroads of the State. Transit duty.

ARTICLE XVII.

Duration of treaty.

The present treaty shall be in force during ten years from the date of the exchange of the ratifications, and until the expiration of twelve months after either of the high contracting parties shall have announced to the other its intention to terminate the operation thereof, each party reserving to itself the right of making such declaration to the other at the end of the ten years above mentioned; and it is agreed that, after the expiration of the twelve months of prolongation accorded on both sides, this treaty and all its stipulations shall cease to be in force.

ARTICLE XVIII.

Ratifications.

This treaty shall be ratified, and the ratifications shall be exchanged at Washington, within the term of nine months after its date, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the present treaty, in duplicate, and have affixed thereto their seals, at Washington, the seventeenth of July, eighteen hundred and fifty-eight.

[L. S.] LEW. CASS.
[L. S.] H. BOSCH SPENCER.

BELGIUM, 1863.*

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF THE BELGIANS, CONCLUDED AT BRUSSELS MAY 20, 1863; RATIFICATIONS EXCHANGED JUNE 24, 1864; PROCLAIMED NOVEMBER 18, 1864.

Contracting parties.

The President of the United States of America on the one side, His Majesty the King of the Belgians on the other side, having deemed it advantageous to complete, by new stipulations the treaty of commerce and navigation entered into by the United States and Belgium on the 17th day of July, 1858, have resolved to make a convention in addition to that arrangement, and have appointed for their Plenipotentiaries, namely:

Negotiators.

The President of the United States, Henry Shelton Sanford, a citizen of the United States, their Minister Resident near His Majesty the King of the Belgians; His Majesty the King of the Belgians, the Sieur Charles Rogier, Grand Officer of the Order of Leopold, decorated with the Iron Cross, Grand Cross of the Order of the Ernestine Branch of Saxony, of the Polar Star of St. Maurice and St. Lazarus, of Our Lady of the Conception of Villa-Vicosa, of the Legion of Honor, of the White Eagle, &c., a member of the Chamber of Representatives, his Minister of Foreign Affairs;

Who, after having communicated to each other their full powers, found to be in good and proper form, have agreed upon the following articles:

ARTICLE I.

Tonnage and port dues, pilotage fees, &c.

From and after the day when the capitalization of the duties levied upon navigation in the Scheldt shall have been secured by a general arrangemnte—

1st The tonnage dues levied in Belgian ports shall cease.

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* Vol. XIII, Statutes at Large, p. 647 *et seq.*

2d. Fees for pilotage in Belgian ports and in the Scheldt, in so far as it depends on Belgium, shall be reduced twenty per centum for sailing vessels, twenty-five per centum for vessels in tow, thirty per centum for steam vessels.

3d. Port dues and other charges levied by the city of Antwerp shall be throughout reduced.

ARTICLE II.

In derogation to the ninth article of the treaty of the 17th of July, 1858, the flag of the United States shall be assimilated to that of Belgium for the transportation of salt. Salt.*

ARTICLE III.

The tariff of import duties resulting from the treaty of the 1st of May, 1861, between Belgium and France, is extended to goods imported from the United States, on the same conditions with which it was extended to Great Britain by the treaty of the twenty-third of July, eighteen hundred and sixty-two. Import duties.

The reduction made by the treaties entered into by Belgium with Switzerland on the eleventh of December, eighteen hundred and sixty-two, with Italy on the ninth of April, eighteen hundred and sixty-three, with the Netherlands on the twelfth of May, eighteen hundred and sixty-three, and also with France on the twelfth of May, eighteen hundred and sixty-three, shall be equally applied to goods imported from the United States.

It is agreed that Belgium shall also extend to the United States the reductions of import duties which may result from her subsequent treaties with other powers.

ARTICLE IV.

The United States, in view of the proposition made by Belgium to regulate, by a common accord, the capitalization of the Scheldt dues, consents to contribute to this capitalization under the following conditions: Scheldt dues.

a. The capital sum shall not exceed thirty-six millions of francs.

b. Belgium shall assume for its part one-third of that amount.

c. The remainder shall be apportioned among the other States, *pro rata* to their navigation in the Scheldt.

d. The proportion of the United States, to be determined in accordance with this rule, shall not exceed the sum of two millions seven hundred and seventy-nine thousand two hundred francs.

e. The payment of the said proportion shall be made in ten annual installments of equal amount, which shall include the capital and the interest on the portion remaining unpaid at the rate of four per centum.

The first installment shall be payable at Brussels, on the first day of April, eighteen hundred and sixty-four, or immediately after the Congress of the United States shall have made the requisite appropriation. In either event, the interest shall commence to run on the date of the first of April, eighteen hundred and sixty-four, above mentioned.

The Government of the United States reserves the right of anticipating the payment of the proportion of the United States.

* See Vol. XII, p. 1046, Statutes at Large.

The above-mentioned conditions for the capitalization of the Scheldt dues shall be inserted in a general treaty, to be adopted by a conference of the maritime States interested, and in which the Uniteds States shall be represented.

ARTICLE V.

Duration of this convention.

The Articles I and IV of the present additional convention shall be perpetual; and the remaining articles shall, together with the treaty of commerce and navigation made between the high contracting parties on the seventeenth of July, eighteen hundred and fifty-eight, have the same force and duration as the treaties mentioned in Article III.

Ratifications.

The ratifications thereof shall be exchanged with the least possible delay.

In faith whereof the respective Plenipotentiaries have signed the present convention, and have affixed thereto their seals.

Made in duplicate, and signed at Brussels the twentieth day of May, eighteen hundred and sixty-three.

[L. S.] H. S. SANFORD.
[L. S.] CH. ROGIER.

Declaration annexed to the additional convention signed this day between the United States and Belgium:

The Plenipotentiary of the United States having required that the attributions of the Consuls of the United States in Belgium should become the object of farther stipulations, and it having been impracticable to complete in season the examination of the said stipulations, it is agreed that the Belgian Government will continue that examination with the sincere intent to come to an agreement as early as may be possible.

Done at Brussels, in duplicate, the twentieth of May, eighteen hundred and sixty-three.

H. S. SANFORD.
CH. ROGIER.

BELGIUM 1863.*

TREATY BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF THE BELGIANS—EXTINGUISHMENT OF THE SCHELDT DUES—CONCLUDED AT BRUSSELS JULY 20, 1863; RATIFICATIONS EXCHANGED, JUNE 24, 1864; PROCLAIMED NOVEMBER 18, 1864.

Contracting parties.

The United States of America and His Majesty the King of the Belgians, equally desirous of liberating forever the navigation of the Schledt from the dues which encumber it, to assure the reformation of the maritime taxes levied in Belgium, and to facilitate thereby the development of trade and navigation, have resolved to conclude a treaty to complete the convention signed on the 20th of May, 1863, between the United States and Belgium, and have appointed as their Plenipotentiaries, namely:

Plenipotentiaries.

The President of the United States of America, Henry Shelton Sanford, a citizen of the United States, their Minister Resident to His Majesty the King of the Belgians; and His Majesty

* Vol. XIII, Statutes at Large, pp. 655 *et seq.*

the King of the Belgians, Mr. Charles Rogier, Grand Officer of the Order of Leopold, decorated with the Iron Cross, &c., &c., &c., his Minister of Foreign Affairs;

Who, after having exchanged their full powers, found to be in good and due form, have agreed upon the following articles:

ARTICLE I.

The high contracting parties take note of, and record:

Scheldt dues.

1st. The treaty concluded on the twelfth of May, eighteen hundred and sixty-three, between Belgium and the Netherlands, which will remain annexed to the present treaty, and by which His Majesty the King of the Netherlands renounces forever the dues established upon navigation in the Scheldt and its mouths, by the third paragraph of the ninth article of the treaty of the nineteenth of April, eighteen hundred and thirty-nine, and His Majesty the King of the Belgians engages to pay the capital sum of the redemption of those dues, which amount to 17,141,640 florins.

Extinguishment applies to all flags.

2d. The declaration made in the name of His Majesty the King of the Netherlands on the fifteenth of July, eighteen hundred and sixty-three, to the Plenipotentiaries of the high contracting parties, that the extinguishment of the Scheldt dues, consented to by his said Majesty, applies to all flags; that these dues can never be reëstablished under any form whatsoever; and that this suppression shall not affect in any manner the other provisions of the treaty of the nineteenth of April, eighteen hundred and thirty-nine, which declaration shall be considered inserted in the present treaty, to which it shall remain also annexed.

ARTICLE II.

Same subject.

His Majesty the King of the Belgians makes, for what concerns him, the same declaration as to that which is mentioned in the second paragraph of the preceding article.

ARTICLE III.

Tonnage dues, pilotage, and local taxes.

It is well understood that the tonnage dues suppressed in Belgium, in conformity with the convention of the twentieth of May, eighteen hundred sixty-three, cannot be reëstablished, and that the pilotage dues and local taxes reduced under the same convention cannot be again increased.

The tariff of pilotage dues and of local taxes at Antwerp, shall be the same for the United States as those which are set down in the protocols of the conference at Brussels.

ARTICLE IV.

Proportion of the United States.

In regard to the proportion of the United States in the capital sum of the extinguishment of the Scheldt dues, and the manner, place, and time of the payment thereof, reference is made by the high contracting parties to the convention of the twentieth May, eighteen hundred and sixty-three.

ARTICLE V.

Execution of this treaty.

The execution of the reciprocal engagements contained in the present treaty is made subordinate, in so far as is necessary, to the formalities and rules established by the constitutional laws of the high contracting parties.

ARTICLE VI.

To what Article III applies.

It is well understood that the provisions of Article III will only be obligatory with respect to the State which has taken part in, or those which shall adhere to, the treaty of this day, the King of the Belgians reserving to himself expressly the right to establish the manner of treatment as to fiscal and customs regulations of vessels belonging to States which shall not be parties to this treaty.

ARTICLE VII.

Ratifications.

The present treaty shall be ratified, and the ratifications thereof shall be exchanged at Brussels with the least possible delay.

In faith whereof the respective Plenipotentiaries have signed the same in duplicate, and affixed thereto their seals.

Done at Brussels, the twentieth day of July, eighteen hundred and sixty-three.

[L. S.] H. S. SANFORD.
[L. S.] CH. ROGIER.

[Translation.]

Treaty of May 12, 1863, *between Belgium and the Netherlands, annexed to the treaty of July* 20, 1863.

Treaty between Belgium and the Netherlands.

His Majesty the King of the Belgians and His Majesty the King of the Netherlands, having come to an agreement upon the conditions of the redemption, by capitalization, of the dues established upon the navigation of the Scheldt and of its mouths, by paragraph three of the ninth article of the treaty of the 19th April, 1839, have resolved to conclude a special treaty on this subject, and have appointed for their Plenipotentiaries, namely:

Plenipotentiaries.

His Majesty the King of the Belgians, M. Aldephonse Alexander Felix, Baron du Jardin, Commander of the Order of Leopold, decorated with the Iron Cross, Commander of the Lion of the Netherlands, Chevalier Grand Cross of the Oaken Crown, Grand Cross and Commander of several other orders, his Envoy Extraordinary and Minister Plenipotentiary near to His Majesty the King of the Netherlands. His Majesty the King of the Netherlands, Messrs. Paul Vander Maesen de Sombreff, Chevalier Grand Cross of the Order of the Nichan Iftihar of Tunis, his Minister of Foreign Affairs, M. Jean Rudolphe Thorbecke, Chevalier Grand Cross of the Order of the Lion of the Netherlands, Grand Cross of the Order of Leopold of Belgium, and of many other orders, his Minister of Interior, and M. Gerard Henri Betz, his Minister of Finance;

Who, after having exchanged their full powers, found in good and due form, have concluded upon the following articles:

ARTICLE I.

Scheldt dues.

His Majesty the King of the Netherlands renounces forever, for the sum of 17,140,640 florins of Holland, the dues levied upon the navigation of the Scheldt and of its mouths, by virtue of paragraph three of Article IX of the treaty of 19th April, 1839.

ARTICLE II.

This sum shall be paid to the Government of the Netherlands by the Belgian Government, at Antwerp, or at Amsterdam, at the choice of the latter, the franc calculated at 47½ cents of the Netherlands, as follows: Payment by Belgium.

One-third immediately after the exchange of ratifications, and the two other thirds in three equal installments, payable on the 1st May, 1864, 1st May, 1865, and 1st May, 1866. The Belgian Government may anticilate the above-named payments.

ARTICLE III.

From and after the payment of the first installment of one-third, the dues shall cease to be levied by the Government of the Netherlands. When dues shall cease to be levied.

The sums not immediately paid shall bear interest at the rate of 4 per cent. per annum, in favor of the treasury of the Netherlands.

ARTICLE IV.

It is understood that the capitalization of the dues shall not in any way affect the engagements by which the two States are bound, in what concerns the Scheldt, by treaties in force. Treaty engagements.

ARTICLE V.

The pilotage dues now levied on the Scheldt are reduced 20 per cent. for sailing vessels, 25 per cent. for towed vessels, and 30 per cent. for steam vessels. Pilotage dues.

It is, moreover, agreed that the pilotage dues on the Scheldt can never be higher than the pilotage dues levied at the mouths of the Meuse.

ARTICLE VI.

The present treaty shall be ratified, and the ratifications shall be exchanged at the Hague within four months, or earlier if possible. Ratifications.

In faith whereof the Plenipotentiaries above named have signed the same and affixed their seals.

Done at the Hague, the 12th May, 1863.

[L. S.] BARON DU JARDIN.
[L. S.] P. VANDER MAESEN DE SOMBREFF.
[L. S.] THORBECKE.
[L. S.] BETZ.

[Translation.]

Protocol of July 15, 1863, *annexed to the treaty of July* 20, 1863.

The Plenipotentiaries undersigned, having come together in conference to determine the general treaty relative to the redemption of the Scheldt dues, and having judged it useful, before drawing up this arrangement in due form, to be enlightened Protocol.

with respect to the treaty concluded the 12th of May, 1863, between Belgium and Holland, have resolved, to this end, to invite the Minister of the Netherlands to take a place in the conference.

The Plenipotentiary of the Netherlands presented himself in response to this invitation, and made the following declaration:

"The undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of the Netherlands, declares, in virtue of the special powers which have been delivered to him, that the extinguishment of the Scheldt dues, consented to by his August Sovereign in the treaty of the 12th May, applies to all flags; that these dues can never be reëstablished in any form whatsoever; and that this extinguishment shall not affect in any way the other provisions of the treaty of the 19th April, 1839."

"BARON GERICKE D'HERWYNEN.

"BRUSSELS, *July* 15, 1863."

Note has been taken and record made of this declaration, which shall be inserted in or annexed to the general treaty.

Done at Brussels, the 15th July, 1863.

[L. S.]	BARON GERICKE D'HERWYNEN.
[L. S.]	BARON DE HUGEL.
[L. S.]	J. T. DO. AMARAL.
[L. S.]	M. CARVALLO.
[L. S.]	P. BILLE BRAHE.
[L. S.]	D. COELLO DE PORTUGAL.
[L. S.]	H. S. SANFORD.
[L. S.]	MALARET.
[L. S.]	HOWARD DE WALDEN ET SEAFORD.
[L. S.]	VON HODENBERG.
[L. S.]	CTE. DE MONTALTO.
[L. S.]	MAN. YRIGOYEN.
[L. S.]	V'TE. DE SEISAL.
[L. S.]	SAVIGNY.
[L. S.]	ORLOFF.
[L. S.]	ADALBERT MANSBACH.
[L. S.]	C. MUSURUS.
[L. S.]	GEFFEKEN.
[L. S.]	CH. ROGIER.
[L. S.]	BN. LAMBERMONT.

BELGIUM, 1868.*

CONVENTION BETWEEN THE UNITED STATES AND BELGIUM—NATURALIZATION—CONCLUDED NOVEMBER 16, 1868; RATIFICATIONS EXCHANGED JULY 10, 1869; PROCLAIMED JULY 30, 1869.

Preamble.

The President of the United States of America and His Majesty the King of the Belgians, led by the wish to regulate the citizenship of those persons who emigrate from the United States of America to Belgium, and from Belgium to the United States of America, have resolved to make a convention on this subject, and have appointed for their Plenipotentiaries, namely:

Negotiators.

The President of the United States of America, Henry Shelton Sanford, a citizen of the United States, their Minister Resident near His Majesty the King of the Belgians; and His Maj-

* Pamphlet Laws, 41st Congress, 2d session, p. 341 *et seq.*

esty the King of the Belgians, the Sieur Jules Vander Stichelen, Grand Cross of the Order of the Dutch Lion, &c., &c., &c., his Minister of Foreign Affairs;

Who, after having communicated to each other their full powers, found to be in good and proper form, have agreed upon the following articles:

ARTICLE I.

Citizens of the United States who may or shall have been naturalized in Belgium will be considered by the United States as citizens of Belgium. Reciprocally, Belgians who may or who shall have been naturalized in the United States will be considered by Belgium as citizens of the United States.

When native citizens of one country are to be treated as citizens of the other.

ARTICLE II.

Citizens of either contracting party, in case of their return to their original country, can be prosecuted there for crimes or misdemeanors committed before naturalization, saving to them such limitations as are established by the laws of their original country.

Liability for crimes, &c., committed before naturalization.

ARTICLE III.

Naturalized citizens of either contracting party who shall have resided five years in the country which has naturalized them cannot be held to the obligation of military service in their original country, or to incidental obligation resulting therefrom, in the event of their return to it, except in cases of desertion from organized and embodied military or naval service, or those that may be assimilated thereto by the laws of that country.

Military service.

ARTICLE IV.

Citizens of the United States naturalized in Belgium shall be considered by Belgium as citizens of the United States when they shall have recovered their character as citizens of the United States, according to the laws of the United States. Reciprocally, Belgians naturalized in the United States shall be considered as Belgians by the United States when they shall have recovered their character as Belgians according to the laws of Belgium.

Recovery of citizenship in original country.

ARTICLE V.

The present convention shall enter into execution immediately after the exchange of ratifications, and shall remain in force for ten years. If, at the expiration of that period, neither of the contracting parties shall have given notice six months in advance of its intention to terminate the same, it shall continue in force until the end of twelve months after one of the contracting parties shall have given notice to the other of such intention.

Duration of convention.

ARTICLE VI.

The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate, and by

His Majesty the King of the Belgians, with the consent of Parliament; and the ratifications shall be exchanged at Brussels within twelve months from the date hereof, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and affixed thereto their seals.

Made in duplicate at Brussels, the sixteenth of November, eighteen hundred and sixty-eight.

[L. S.] H. S. SANFORD.
[L. S.] JULES VANDER STICHELEN.

BELGIUM, 1868.*

CONVENTION BETWEEN THE UNITED STATES AND BELGIUM—RIGHTS, PRIVILEGES, AND IMMUNITIES OF CONSULS—CONCLUDED DECEMBER 5, 1868; RATIFICATIONS EXCHANGED JULY 8, 1869; PROCLAIMED MARCH 7, 1870.

Preamble.

The President of the United States of America and His Majesty the King of the Belgians, recognizing the utility of defining the rights, privileges, and immunities of consular officers in the two countries, deem it expedient to conclude a consular convention for that purpose; accordingly, they have named:

Negotiators.

The President of the United States of America, Henry Shelton Sanford, a citizen of the United States, their Minister Resident near His Majesty the King of the Belgians; and His Majesty the King of the Belgians, the Sieur Jules Vander Stichelen, Grand Cross of the Order of the Dutch Lion, &c., &c., &c., his Minister of Foreign Affairs;

Who, after having communicated to each other their full powers, found to be in good and proper form, have agreed upon the following articles:

ARTICLE I.

Liberty of appointing, Consuls, &c.

Each of the high contracting parties agrees to receive from the other, Consuls General, Consuls, Vice-Consuls, and Consular Agents, in all its ports, cities, and places, except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the high contracting parties without also applying to every other power.

ARTICLE II.

When consular officers, &c., are to be entitled to rights as such.

Consular officers, on the presentation of their commissions in the forms established in their respective countries, shall be furnished with the necessary exequatur free of charge, and on the exhibition of this instrument they shall be permitted to enjoy the rights, prerogatives, and immunities granted by this convention.

ARTICLE III.

Exemption from arrest.

Consular officers, citizens of the State by which they are appointed, shall be exempt from arrest except in the case of offenses which the local legislation qualifies as crimes, and punishes

* Pamphlet Laws, 2d session, 41st Congress, p. 351 *et seq.*

it as such; from military billetings, from service in the militia or in the national guard, or in the regular army, and from all taxation, federal, state, or municipal. If, however, they are citizens of the state where they reside, or own property, or engage in business there, they shall be liable to the same charges of all kinds as other citizens of the country, who are merchants or owners of property.

ARTICLE IV.

No consular officer who is a citizen of the state by which he was appointed, and who is not engaged in business, shall be compelled to appear as a witness before the courts of the country where he may reside. When the testimony of such a consular officer is needed, he shall be invited in writing to appear in court, and if unable to do so, his testimony shall be requested in writing, or be taken orally, at his dwelling or office.

Legal testimony.

It shall be the duty of said consular officer to comply with this request without any delay which can be avoided.

In all criminal cases contemplated by the sixth article of the amendments to the Constitution of the United States, whereby the right is secured to persons charged with crimes to obtain witnesses in their favor, the appearance in court of said consular officer shall be demanded, with all possible regard to the consular dignity and to the duties of his office. A similar treatment shall also be extended to United States Consuls in Belgium, in the like cases.

ARTICLE V.

Consuls General, Consuls, Vice-Consuls, and Consular Agents may place over the outer door of their offices, or their dwelling-houses, the arms of their nation, with this inscription, "Consulate, or Vice-Consulate, or Consular Agency" of the United States, or of Belgium, &c., &c. And they may also raise the flag of their country on their offices or dwelling-houses, except in the capital of the country, when there is a legation there.

Right to hoist flag, &c.

ARTICLE VI.

The consular offices and dwellings shall be at all times inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the papers there deposited. In no case shall those offices or dwellings be used as places of asylum. When, however, a consular officer is engaged in other business, the papers relating to the consulate shall be kept separate.

Consular archives inviolable.

ARTICLE VII.

In the event of the death, incapacity, or absence of Consuls General, Consuls, Vice-Consuls, and Consular Agents, their chancellors or secretaries, whose official character may have previously been made known to the Department of State at Washington, or to the Minister for Foreign Affairs in Belgium, may temporarily exercise their functions, and while thus acting they shall enjoy all the rights, prerogatives, and immunities granted to the incumbents.

Rights of Acting Consuls, &c.

ARTICLE VIII.

Rights of Vice-Consuls and Consular Agents.

Consuls General and Consuls may, with the approbation of their respective Governments, appoint Vice-Consuls and Consular Agents in the cities, ports, and places within their consular jurisdiction. These officers may be citizens of the United States, of Belgium, or other foreigners. They shall be furnished with a commission by the Consul who appoints them, and under whose orders they are to act. They shall enjoy the privileges stipulated for consular officers in this convention, subject to the exceptions specified in Articles III and IV.

ARTICLE IX.

Case of complaint by Consuls, &c.

Consuls General, Consuls, Vice-Consuls, and Consular Agents may complain to the authorities of the respective countries, whether federal or local, judicial or local, judicial or executive, within their consular district, of any infraction of the treaties and conventions between the United States and Belgium, or for the purpose of protecting the rights and interest of their countrymen. If the complaint should not be satisfactorily redressed, the consular officers aforesaid, in the absence of a diplomatic agent of their country, may apply directly to the Government of the country where they reside.

ARTICLE X.

Right of Consuls to take depositions.

Consuls General, Consuls, Vice-Consuls, and Consular Agents may take at their offices, at the residence of the parties, at their private residence, or on board ship, the depositions of the captains and crews of vessels of their own country, of passengers on board of them, and of any other citizen of their nation. They may also receive at their offices, comformably to the laws and regulations of their country, all contracts between the citizens of their country and the citizens or other inhabitants of the country where they reside, and even all contracts between the latter, provided they relate to property situated or to business to be transacted in the territory of the nation to which said consular officer may belong. Copies of such papers and official documents of every kind, whether in the original, copies, or translation duly authenticated and legalized by the Consuls General, Consuls, Vice-Consuls, and Consular Agents, and sealed with their official seal, shall be received as legal documents in courts of justice throughout the United States and Belgium.

ARTICLE XI.

Rights of Consuls with regard to merchant vessels of their nation.

Consuls General, Consuls, Vice-Consuls, and Consular Agents shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall alone take cognizance of differences which may arise, either at sea or in port, between the captains, officers, and crews, without exception, particularly in reference to the adjustment of wages and the execution of contracts. Neither the federal, state, or municipal authorities or courts in the United States, nor any court or authority in Belgium shall, on any pretext, interfere in these differences.

ARTICLE XII.

Deserters.

The respective Consuls General, Consuls, Vice-Consuls, and Consular Agents may arrest the officers, sailors, and all other persons making part of the crew of ships of war or merchant vessels

of their nation who may be guilty, or be accused of having deserted said ships and vessels, for the purpose of sending them on board or back to their country. To that end the consuls of the United States in Belgium may apply to any of the competent authorities; and the consuls of Belgium in the United States may apply in writing to either the federal, state, or municipal courts or authorities, and make a request in writing for the deserters, supporting it by the exhibition of the register of the vessel and list of the crew, or by other official documents, to show that the persons claimed belong to the said crew.

Upon such request alone, thus supported, and without the exaction of any oath from the consular officers, the deserters, not being citizens of the country where the demand is made at the time of their shipping, shall be given up. All the necessary aid and protection shall be furnished for the search, pursuit, seizure, and arrest of the deserters, who shall even be put and kept in the prisons of the country, at the request and expense of the consular officers, until there may be an opportunity for sending them away. If, however, such an opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserter shall be set at liberty, nor shall he be again arrested for the same cause.

Article XIII.

In the absence of an agreement to the contrary between the owners, freighters, and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter port voluntarily or are forced by stress of weather, shall be settled by the Consuls General, Consuls, Vice-Consuls, and Consular Agents of the respective countries where they reside. If, however, any inhabitant of the country or citizen or subject of a third power shall be interested in the matter, and the parties cannot agree, the competent local authorities shall decide.

Damages suffered at sea by vessels. How settled.

Article XIV.

All proceedings relative to the salvage of American vessels wrecked upon the coasts of Belgium, and of Belgian vessels wrecked upon the coasts of the United States, shall be directed by Consuls Général, Consuls, and Vice-Consuls of the two countries, respectively, and, until their arrival, by the respective Consular Agents, wherever an agency exists. In the places and ports where an agency does not exist, the local authorities, until the arrival of the Consul in whose district the wreck may have occurred, and who shall immediately be informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if they do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any custom-house charges, unless it be intended for consumption in the country where the wreck may have taken place.

Salvage.

Article XV.

In case of the death of any citizen of the United States in Belgium, or of a citizen of Belgium in the United States, without having any known heirs or testamentary executor by him

Death of citizens.

appointed, the competent local authorities shall inform the Consuls or Consular Agents of the nation to which the deceased belongs of the circumstance, in order that the necessary information may be immediately forwarded to parties interested.

ARTICLE XVI.

Duration of convention.

The present convention shall remain in force for the space of ten years, counting from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries, and exchanged at Brussels within the period of six months, or sooner if possible. In case neither party gives notice, twelve months after the expiration of the said period of ten years, of its intention not to renew this convention, it shall remain in force one year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

In faith whereof the respective Plenipotentiaries have signed this convention, and have hereunto affixed their seals.

Done at Brussels, in duplicate, the fifth day of December, eighteen hundred and sixty-eight.

[L. S.] H. S. SANFORD.
[L. S.] JULES VANDER STICHELEN.

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*Protocol additional to the convention between the United States and Belgium, signed December 5, 1868.**

The Plenipotentiaries of the President of the United States and of His Majesty the King of the Belgians, foreseeing that the exchange of ratifications cannot be made within the delay prescribed, by reason of circumstances independent of the will of the high contracting parties, have met this day, and have agreed to prolong the delay for two months.

Done at Brussels, the 1st of June, 1869.

[L. S.] H. S. SANFORD.
[L. S.] JULES VANDER STICHELEN.

BELGIUM, 1868.†

ADDITIONAL ARTICLE TO THE TREATY OF COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES AND BELGIUM OF JULY 17, 1858—TRADE-MARKS—CONCLUDED DECEMBER 20, 1868; RATIFICATIONS EXCHANGED JUNE 19, 1869; PROCLAIMED JULY 30, 1869.

Contracting parties.

The President of the United States of America and His Majesty the King of the Belgians, deeming it advisable that there should be an additional article to the treaty of commerce and navigation between them of the 17th July, 1858, have for this purpose named as their Plenipotentiaries, namely:

* The Senate of the United States, by its resolution of March 2, 1870, advised and consented to the exchanges of ratifications which had previously been made.

† Pamphlet Laws, 2d session, 41st Congress, p. 359.

The President of the United States, Henry Shelton Sanford, a citizen of the United States, their Minister Resident near His Majesty the King of the Belgians; and His Majesty the King of the Belgians, the Sieur Jules Vander Stichelen, Grand Cross of the Order of the Dutch Lion, &c., &c., &c., his Minister of Foreign Affairs; Negotiators.

Who, after having communicated to each other their full powers, have agreed to and signed the following:

ADDITIONAL ARTICLE.

The high contracting parties, desiring to secure complete and efficient protection to the manufacturing industry of their respective citizens, agree that any counterfeiting in one of the two countries of the trade-marks affixed in the other on merchandise to show its origin and quality, shall be strictly prohibited, and shall give ground for an action of damages in favor of the injured party, to be prosecuted in the courts of the country in which the counterfeit shall be proven. Prohibition of counterfeiting trade-marks.

The trade-marks in which the citizens of one of the two countries may wish to secure the right of property in the other, must be lodged, to wit: the marks of citizens of the United States at Brussels, in the Office of the Clerk of the Tribunal of Commerce; and the marks of Belgian citizens at the Patent Office in Washington. Where to be lodged.

It is understood that if a trade-mark has become public property in the country of its origin it shall be equally free to all in the other country. Trade-marks that have become public property.

This additional article shall have the same duration as the before-mentioned treaty of the 17th of July, 1858, to which it is an addition. The ratifications thereof shall be exchanged in the delay of six months, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the same, and affixed thereto their seals.

Done at Brussels, in duplicate, the 20th of December, 1868.

[L. S.] H. S. SANFORD.
[L. S.] JULES VANDER STICHELEN.

BOLIVIA.

BOLIVIA, 1858.*

TREATY WITH BOLIVIA—PEACE, FRIENDSHIP, COMMERCE, AND NAVIGATION—SIGNED AT LA PAZ MAY 13, 1858; RATIFICATIONS EXCHANGED AT LA PAZ NOVEMBER 9, 1862; PROCLAIMED JANUARY 8, 1863.

Treaty of peace, friendship, commerce, and navigation, between the United States of America and the Republic of Bolivia.

Preamble.

The United States of America and the Republic of Bolivia, desiring to make lasting and firm the friendship and good understanding which happily prevail between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall in future be religiously observed between the one and the other, by means of a treaty of friendship, commerce, and navigation.

Negotiators.

For this most desirable object the President of the United States of America has conferred full powers on John W. Dana, a citizen of the said States, and their Minister Resident to the said Republic; and the President of the Republic of Bolivia on the citizen Lucas Mendosa de la Tapia, Secretary of State in the Department of Exterior Relations and Public Instruction;

Who, after having exchanged their said full powers in due and proper form, have agreed to the following articles:

ARTICLE I.

Peace and friendship.

There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic of Bolivia, in all the extent of their possessions and territories, and between their people and citizens respectively, without distinction of persons or places.

ARTICLE II.

Most favored nation.

If either party shall hereafter grant to any other nation, its citizens or subjects, any particular favor in navigation or commerce, it shall immediately become common to the other party, freely when freely granted to such other nation, or on yielding the same compensation when the grant is conditional.

EXPLANATION.

Explanation of Article II.

As in said article it is stipulated that any special favor in navigation and trade granted by one of the contracting parties to any other nation, extends and is common to the other party forthwith, it is declared that, in what pertains to the navigation of rivers, this treaty shall only apply to concessions which the Government may authorize for navigating fluvial streams which do not present ob-

* Vol. XII, Statutes at Large, p. 1003 *et seq.*

structions; that is to say, those whose navigation may be naturally plain and current without there having been need to obtain it by the employment of labor and capital; that by consequence there remains reserved the right of the Bolivian Government to grant privileges to any association or company, as well foreign as national, which should undertake the navigation of those rivers from which, in order to succeed, there are difficulties to overcome, such as the clearing out of rapids, &c., &c.

ARTICLE III.

The United States of America and the Republic of Bolivia mutually agree that there shall be reciprocal liberty of commerce and navigation between their respective territories and citizens. The citizens of either republic may frequent with their vessels all the coasts, ports, and places of the other where foreign commerce is permitted, and reside in all parts of the territory of either, and occupy dwellings and warehouses; and everything belonging thereto shall be respected, and shall not be subjected to any arbitrary visits or search. The said citizens shall have full liberty to trade in all parts of the territory of either, according to the rules established by the respective regulations of commerce, in all kinds of goods, merchandise, manufactures, and produce, not prohibited to all, and to open retail stores and shops, under the same municipal and police regulations as native citizens; and they shall not in this respect be liable to any other or higher taxes on imposts than those which are or may be paid by native citizens. No examination or inspection of their books, papers, or accounts, shall be made without the legal order of a competent tribunal or judge.

Reciprocal liberty of commerce and navigation.

No discrimination in taxes.

Examination of books and papers.

The provisions of this treaty are not to be understood as applying to the navigation and coasting trade between one port and another, situated in the territory of either of the contracting parties—the regulation of such navigation and trade being reserved respectively by the parties according to their own separate laws. Vessels of either country shall, however, be permitted to discharge part of their cargoes at one port, open to foreign commerce, in the territories of either of the high contracting parties, paying only the custom-house duties upon that portion of the cargo which may be discharged, and to proceed with the remainder of their cargo to any other port or ports of the same territory, open to foreign commerce, without paying other or higher tonnage duties or port charges in such cases than would be paid by national vessels in like circumstances; and they shall be permitted to load in like manner at different ports in the same voyage outward.

Coasting trade.

The citizens of either country shall also have the unrestrained right to travel in any part of the possessions of the other, and shall in all cases enjoy the same security and protection as the natives of the country in which they reside, on condition of their submitting to the laws, decrees, and ordinances there prevailing. They shall not be called upon for any forced loan or occasional contribution nor shall they be liable to any embargo, or to be detained with their vessels, cargoes, merchandise, goods or effects, for any military expedition or for any public purpose whatsoever, without being allowed therefor a full and sufficient indemnification, which shall in all cases be agreed upon and paid in advance.

Right to travel.

ARTICLE IV.

No discrimination to be made between the vessels of the two countries relative to importations or exportations.

All kinds of produce, manufactures, or merchandise of any foreign country which can, from time to time, be lawfully imported into the United States in their own vessels, may be also imported in vessels of the Republic of Bolivia; and no higher or other duties upon the tonnage of the vessel and her cargo shall be levied and collected, whether the importation be made in the vessels of the one country or of the other; and in like manner all kinds of produce, manufactures, and merchandise of any foreign country that can be, from time to time, lawfully imported into the Republic of Bolivia in its own vessels, whether in her ports upon the Pacific or her ports upon the tributaries of the Amazon or La Plata, may be also imported in vessels of the United States; and no higher or other duties upon the tonnage of the vessel and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or of the other. And they agree that what may be lawfully exported or reëxported from the one country in its own vessels, to any foreign country, may, in like manner, be exported or reëxported in the vessels of the other country; and the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or reëxportations be made in vessels of the United States or of the Republic of Bolivia.

In all these respects the vessels and their cargoes of the one country, in the ports of the other, shall also be on an equal footing with those of the most favored nation. It being further understood that these principles shall apply whether the vessels shall have cleared directly from the ports of the nation to which they appertain, or from the ports of any other nation.

ARTICLE V.

What to be considered Bolivian vessels.

For the better understanding of the preceding article, and taking into consideration the actual state of the commercial marine of the Republic of Bolivia, it is stipulated and agreed that all vessels belonging exclusively to a citizen or citizens of said Republic, and whose captain is also a citizen of the same, though the construction or the crew are or may be foreign, shall be considered, for all the objects of this treaty, as a Bolivian vessel.

ARTICLE VI.

No discrimination in duties on imports and exports.

No higher or other duties shall be imposed on the importation into the United States of any articles, the produce or manufactures of the Republic of Bolivia, and no higher or other duties shall be imposed on the importation into the Republic of Bolivia of any articles, the produce or manufactures of the United States, than are or shall be payable on the like articles being the produce or manufactures of any other country; nor shall any higher or other duties or charges be imposed, in either of the two countries, on the exportation of any articles to the United States or to the Republic of Bolivia, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibitions be imposed on the exportation or importation of any articles the produce or manufactures of the United States, or of the Republic of Bolivia, to or from the territories of the United States, or to or from the territories of the Republic of Bolivia, which shall not equally extend to all other nations.

ARTICLE VII.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of either country, to manage themselves their own business, in all the ports and places subject to the jurisdiction of the other, as well with respect to the consignment and sale of their goods and merchandise, by wholesale or retail, as with respect to the loading, unloading, and sending off their ships; they being in all these cases to be treated as citizens of the country in which they reside, or at least to be placed on a footing with the citizens or subjects of the most favored nation.

Treatment of citizens of one country residing in the other.

ARTICLE VIII.

The Republic of Bolivia, desiring to increase the intercourse between the Pacific ports by means of steam navigation, engages to accord to any citizen or citizens of the United States who may establish a line of steam vessels to navigate regularly between the different ports and bays of the coasts of the Bolivian territory, the same privileges of taking in and landing freight and cargo, entering the by-ports for the purpose of receiving and landing passengers and their baggage and money, carrying the public mails, establishing depots for coal, erecting the necessary machine and work shops for repairing and refitting the steam vessels, and all other favors enjoyed by any other association or company whatsoever of the same character. It is furthermore understood between the two high contracting parties that the steam vessels of either shall not be subject, in the ports of the other party, to any duties of tonnage, harbor, or other similar duties whatsoever than those that are or may be paid by any other association or company.

Steam vessels.

ARTICLE IX.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, ports, or dominions of the other with their vessels, whether merchant or of war, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships and placing themselves in a situation to continue their voyage without obstacles or hinderance of any kind. And the provisions of this article shall apply to privateers or private vessels of war as well as public, until the two high contracting parties may relinquish the right of that mode of warfare, in consideration of the general relinquishment of the right of capture of private property upon the high seas.

Citizens of either nation seeking refuge in ports of the other.

ARTICLE X.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, or shall suffer any damages in the seas, rivers, or channels, within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost, or contribution whatever.

Vessels wrecked or damaged.

ARTICLE XI.

Captures by pirates.

All the ships, merchandise, and the effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving, in due form, their rights before the competent tribunals; it being well understood that the claim should be made within the term of one year, by the parties themselves, their attorneys, or agents of their respective Governments.

ARTICLE XII.

Disposal of personal property and succession thereto.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such duties only as the inhabitants of the country where such goods are shall be subject to pay in like cases. And if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance on account of their character of aliens, there shall be granted to them the longest period allowed by the law to dispose of the same as they may think proper, and to withdraw the proceeds without molestation, nor any other charges than those which are imposed by the laws of the country.

ARTICLE XIII.

Citizens of each nation to be protected.

Both the contracting parties promise and engage, formally, to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice, for their judicial recourse on the same terms which are usual and customary with the natives of the country; for which they may employ, in defense of their rights, such advocates, solicitors, notaries, agents, and factors as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the accusations and sentences of the tribunals in all cases which may concern them; and likewise at the taking of all examinations and evidence which may be exhibited on the said trials, in the manner established by the laws of the country. If the citizens of one of the contracting parties, in the territory of the other, engage in internal political questions, they shall be subject to the same measures of punishment and precaution as the citizens of the country where they reside.

ARTICLE XIV.

Religious freedom.

The citizens of the two contracting parties shall enjoy the full liberty of conscience in the countries subject to the jurisdiction of the one or the other, without being disturbed or molested on account of their religious opinions, provided they respect the laws

and established customs of the country. And the bodies of the citizens of the one who may die in the territory of the other shall be interred in the public cemeteries, or in other decent places of burial, which shall be protected from all violation or insult by the local authorities..

ARTICLE XV.

It shall be lawful for the citizens of the United States of America, and of the Republic of Bolivia, to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandises laden thereon, from any port to the places of those who now are, or hereafter shall be, at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with their ships and merchandises before mentioned, and to trade with the same liberty and security, not only from places and ports of those who are enemies of both or either party, to the ports of the other, and to neutral places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of one power or of several

Freedom of navigation.

ARTICLE XVI.

The two high contracting parties recognize as permanent and immutable the following principles, to wit:

Free ships, free goods.

1st. That free ships make free goods; that is to say, that the effects or goods belonging to subjects or citizens of a power or State at war are free from capture or confiscation when found on board of neutral vessels, with the exception of articles contraband of war.

2d. That the property of neutrals on board an enemy's vessel is not subject to confiscation, unless the same be contraband of war.

The like neutrality shall be extended to persons who are on board a neutral ship with this effect, that although they may be enemies to both or either party, they are not to be taken out of that ship unless they are officers or soldiers, and in the actual service of the enemies. The contracting parties engage to apply these principles to the commerce and navigation of all such powers and States as shall consent to adopt them as permanent and immutable.

ARTICLE XVII.

This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband of war, and under this name shall be comprehended—

Contraband of war.

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuses, rifles, carbines, pistols, pikes, swords, sabers, lances, spears, halberds, and grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2d. Bucklers, helmets, breastplates, coats of mail, infantry belts, and clothes made up in the form and for a military use.

3d. Cavalry belts, and horses, with their furniture.

4th. And, generally, all kinds of arms, offensive and defensive, and instruments of iron, steel, brass, and copper, or any other materials manufactured, prepared, and formed expressly to make war by sea or land.

ARTICLE XVIII.

Property not contraband.

All other merchandises and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by the citizens of both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in this particular, it is declared that those places or ports only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

ARTICLE XIX.

Case of capture of vessel carrying contraband.

The articles of contraband before enumerated and classified which may be found in a vessel bound to an enemy's port shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great or of so large a bulk that they cannot be received on board the capturing ship without great inconvenience; but in this, as well as in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

ARTICLE XX.

Blockade.

And whereas it frequently happens that vessels sail for a port or places belonging to an enemy without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained; nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from any officer commanding a vessel of the blockading forces, they shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either that may have entered into such port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo; nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ARTICLE XXI.

Examination of ships and cargoes.

In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they mutually agree that whenever a vessel of war shall meet with a neutral of the other contracting party, the first shall remain at a convenient distance, and may send its boats with two or three men only; in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment for which the commanders of

the said armed ships shall be responsible with their persons and property; for which purpose the commanders of private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit; and it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other purpose whatever.

Commanders of private vessels.

ARTICLE XXII.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they agree that, in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property, and bulk of the ships, as also the name and place of habitation of the master and commander of said vessel, in order that it may thereby appear that said ship truly belongs to the citizens of one of the parties; they likewise agree that such ships being laden, besides the said sea-letters or passports, shall also be provided with certificates, containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed in the accustomed form; without such requisites said vessels may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall prove to be owing to accident, and supplied by testimony entirely equivalent.

Sea-letters and passports.

Certificates.

ARTICLE XXIII.

It is further agreed that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and, when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

Vessels under convoy.

ARTICLE XXIV.

It is further agreed that in all cases the established courts for prize causes in the country to which the prizes may be conducted shall alone take cognizance of them; and whenever such tribunals of either party shall pronounce judgment against any vessel, or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree and of all the proceedings in the case shall, if demanded, be delivered to the commander or agent of said vessel without any delay, he paying the legal fees for the same.

Prize causes.

ARTICLE XXV.

No citizen of the Republic of Bolivia shall take any commission or letters of marque for arming any ship or ships to act as privateers against the said United States, or any of them, or against the citizens, people, or inhabitants of the said United

No letters of marque to act as privateers.

States, or any of them, or against the property of any of the inhabitants of any of them, from any Prince or State with which the said United States shall be at war; nor shall any citizen or inhabitant of the United States, or any of them, take any commission or letters of marque for arming any ship or ships to act as privateers against the citizens of the Republic of Bolivia, or any of them, or the property of any of them, from any Prince or State with which the said Republic of Bolivia shall be at war; and if any person of either nation shall take such commissions or letters of marque he shall be punished according to their respective laws.

ARTICLE XXVI.

Free navigation of the Amazon and La Plata.

In accordance with fixed principles of international law, Bolivia regards the rivers Amazon and La Plata, with their tributaries, as highways or channels opened by nature for the commerce of all nations. In virtue of which, and desirous of promoting an exchange of productions through these channels, she will permit, and invites, commercial vessels of all descriptions of the United States, and of all other nations of the world, to navigate freely in any part of their courses which pertain to her, ascending those rivers to Bolivian ports, and descending therefrom to the ocean, subject only to the conditions established by this treaty, and to regulations sanctioned or which may be sanctioned, by the national authorities of Bolivia not inconsistent with the stipulations thereof.

ARTICLE XXVII.

Navigation of the tributaries of the Amazon or La Plata.

The owners or commanders of vessels of the United States entering the Bolivian tributaries of the Amazon or La Plata shall have the right to put up or construct, in whole or in part, vessels adapted to shoal-river navigation, and to transfer their cargoes to them without the payment of additional duties; and they shall not pay duties of any description for sections or pieces of vessels, nor for the machinery or materials which they may introduce for use in the construction of said vessels.

Ports open to foreign commerce.

All places accessible to these, or other vessels of the United States, upon the said Bolivian tributaries of the Amazon or La Plata, shall be considered as ports open to foreign commerce, and subject to the provisions of this treaty, under such regulations as the Government may deem necessary to establish for the collection of custom-house, port, light-house, police, and pilot duties. And such vessels may discharge and receive freight or cargo, being effects of the country or foreign, at any one of said ports, notwithstanding the provisions of Article 3.

ARTICLE XXVIII.

Privileges in case of war.

If, by any fatality, (which cannot be expected, and which God forbid,) the two contracting parties should be engaged in a war with each other, they agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations, who may be estab-

lished in the territories of the United States and the Republic of Bolivia, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

ARTICLE XXIX.

Neither the debts due from the individuals of one nation to the individuals of the other, nor shares, nor moneys which they may have in the public funds, nor in public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

Debts, &c., not to be confiscated.

ARTICLE XXX.

Both the contracting parties, being desirous of avoiding all inequality in relation to their public communications and official intercourse, agree to grant to the Envoys, Ministers, and other public Agents, the same favors, immunities, and exemptions which those of the most favored nation do or may enjoy; it being understood that whatever favors, immunities, or privileges the United States of America or the Republic of Bolivia may find it proper to give to the Ministers and other public Agents of any other power shall, by the same act, be extended to those of each of the contracting parties.

Most favored nation.

ARTICLE XXXI.

To make effectual the protection which the United States and the Republic of Bolivia shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls and Vice-Consuls may not seem convenient.

Consuls and Vice-Consuls.

ARTICLE XXXII.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, immunities, and prerogatives which belong to them by their public character, they shall, before entering upon their functions, exhibit their commission or patent in due form to the Government to which they are accredited, and having obtained their exequatur they shall be held and considered as such by all the authorities, magistrates, and inhabitants in the consular district in which they reside.

Credentials and exequatur.

ARTICLE XXXIII.

It is also agreed that the Consuls, and officers and persons attached to the consulate, they not being citizens of the country in which the Consul resides, shall be exempted from all kinds of imposts and contributions, except those which they shall be obliged to pay on account of their commerce or property, to which the citizens or inhabitants, native or foreign, of the country in which they reside are subject, being, in everything besides, subject to the laws of the respective States. The archives and papers of the consulate shall be respected

Exemptions of Consuls, &c.

inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

ARTICLE XXXIV.

Deserters.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country; and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessels or ships' roll, or other public documents, that those men were part of the said crews; and on this demand, so proved, (saving, however, when the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said Consuls, and may be put in the public prisons, at the request and expense of those who reclaim them, to be sent to the ships to which they belonged or to others of the same nation; but if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ARTICLE XXXV.

Consular convention.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties agree, as soon hereafter as circumstances will permit them, to form a consular convention which shall declare especially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

ARTICLE XXXVI.

The United States of America and the Republic of Bolivia, desiring to make as durable as circumstances will permit the relations which are established between the two parties by virtue of this treaty of peace, amity, commerce, and navigation, declare solemnly and agree to the following points:

Duration of this treaty.

1st. The present treaty shall remain in full force and virtue for the term of ten years, to be counted from the day of the exchange of the ratifications, and further, until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of ten years; and it is agreed between them that, on the expiration of one year after such notice shall have been received by either from the other party, this treaty, in all its parts relative to commerce and navigation, shall altogether cease and determine; and in all those parts which relate to peace and friendship, it shall be perpetual and permanently binding on both powers.

Infringement of treaty by citizens.

2d. If one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizen shall be held personally responsible for the same, and harmony and good correspondence between the two nations shall not be interrupted thereby, each party engaging in no way to protect the offender or sanction such violation.

Case of violation of any article.

3d. If, (what indeed cannot be expected,) unfortunately, any of the articles contained in the present treaty shall be violated, or infringed in any other mode whatever, it is expressly

stipulated that neither of the contracting parties will order or authorize any act of reprisal, nor declare war against the other, on complaints of injuries or damages until the said party considering itself offended shall have first presented to the other a statement of such injuries or damages, verified by competent proofs, and demanded justice, and the same shall have been either refused or unreasonably delayed.

4th. Nothing in this treaty shall, however, be construed or operate contrary to former and existing public treaties with other Sovereigns and States.

The present treaty of peace, amity, commerce, and navigation shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Bolivia, with the approbation of the National Congress; and the ratifications shall be exchanged in the capital of the Republic of Bolivia within eight months, to be counted from the date of the ratification by both Governments.

In faith whereof we, the Plenipotentiaries of the United States of America and of the Republic of Bolivia, have signed and sealed these presents.

Done in La Paz, on the thirteenth (13th) day of May, in the year of our Lord one thousand eight hundred and fifty-eight, (A. D. 1858.)

[L. S.] JOHN W. DANA.
[L. S.] LUCAS M. DE LA TAPIA.

BORNEO.

BORNEO, 1850.

TREATY WITH BORNEO, CONCLUDED JUNE 23, 1850; RATIFICATIONS EXCHANGED AT BRUNI JULY 11, 1853; PROCLAIMED JULY 12, 1854.

His Highness Omar Ali Saifeddin ebn Marhoum Sultan Mahomed Jamalel Alam and Pangiran Anak Mumin, to whom belong the government of the country of Bruni and all its provinces and dependencies, for themselves and their descendants on the one part, and the United States of America on the other, have agreed to cement the friendship which has long and happily existed between them, by a convention, containing the following articles:

ARTICLE I.

Peace and friendship declared.

Peace, friendship, and good understanding shall from henceforward and forever subsist between the United States of America and His Highness Omar Ali Saifeddin, Sultan of Borneo, and their respective successors and citizens and subjects.

ARTICLE II.

Liberty of trade.

The citizens of the United States of America shall have full liberty to enter into, reside in, trade with, and pass with their merchandise through all parts of the dominions of His Highness the Sultan of Borneo, and they shall enjoy therein all the privileges and advantages, with respect to commerce or otherwise, which are now or which may hereafter be granted to the citizens or subjects of the most favored nation; and the subjects of His Highness, the Sultan of Borneo, shall, in like manner, be at liberty to enter into, reside in, trade with, and pass through with their merchandise through all parts of the United States of America as freely as the citizens and subjects of the most favored nation; and they shall enjoy in the United States of America all the privileges and advantages, with respect to commerce or otherwise, which are now or which may hereafter be granted therein to the citizens or subjects of the most favored nation.

ARTICLE III.

Securities for property and persons.

Citizens of the United States shall be permitted to purchase, rent, or occupy, or in any other legal way to acquire, all kinds of property within the dominions of His Highness the Sultan of Borneo; and His Highness engages that such citizens of the United States of America shall, as far as lies in his power, within his dominions, enjoy full and complete protection and security for themselves, and for any property which they may so acquire in future, or which they may have acquired already before the date of the present convention.

ARTICLE IV.

No article whatever shall be prohibited from being imported into or exported from the territories of His Highness the Sultan of Borneo; but the trade between the United States of America and the dominions of His Highness the Sultan of Borneo shall be perfectly free, and shall be subject only to the custom duties which may hereafter be in force in regard to such trade.

ARTICLE V.

No duty exceeding one dollar per registered ton shall be levied on American vessels entering the ports of His Highness the Sultan of Borneo; and this fixed duty of one dollar per ton, to be levied on all American vessels, shall be in lieu of all other charges or duties whatsoever. His Highness, moreover, engages that American trade and American goods shall be exempt from any internal duties, and also from any injurious regulations which may hereafter, from whatever causes, be adopted in the dominions of the Sultan of Borneo.

Duties.

ARTICLE VI.

His Highness the Sultan of Borneo agrees that no duty whatever shall be levied on the exportation from His Highness' dominions of any article, the growth, produce, or manufacture of those dominions.

ARTICLE VII.

His Highness the Sultan of Borneo engages to permit the ships of war of the United States of America freely to enter the ports, rivers, and creeks situate within his dominions, and to allow such ships to provide themselves, at a fair and moderate price, with such supplies, stores, and provisions as they may from time to time stand in need of.

Ships of war.

ARTICLE VIII.

If any vessel under the American flag should be wrecked on the coast of the dominions of His Highness the Sultan of Borneo, His Highness engages to give all the assistance in his power to recover for and to deliver over to the owners thereof all the property that can be saved from such vessels. His Highness further engages to extend to the officers and crew, and to all other persons on board of such wrecked vessels, full protection, both as to their persons and as to their property.

Wrecks.

ARTICLE IX.

His Highness the Sultan of Borneo agrees that in all cases where a citizen of the United States shall be accused of any crime committed in any part of His Highness' dominions, the person so accused shall be exclusively tried and adjudged by the American Consul, or other officer duly appointed for that purpose; and in all cases where disputes or differences may arise between American citizens, or between American citizens and the subjects of His Highness, or between American citizens and the citizens or subjects of any other foreign power in the dominions of the Sultan of Borneo, the American Consul, or other duly appointed officer, shall have power to hear and decide the same, without any interference, molestation, or hindrance on the part of any authority of Borneo, either before, during, or after the litigation.

Trial of cases where American citizens are concerned.

This treaty shall be ratified, and the ratifications thereof shall be exchanged at Bruni at any time prior to the fourth day of July, in the year one thousand eight hundred and fifty-four.

Done at the city of Bruni on this twenty-third day of June, anno Domini one thousand eight hundred and fifty, and on the thirteenth day of the month Saaban, of the year of the Hegira one thousand two hundred and sixty-six.

[L. S.] JOSEPH BALESTIER.
[L. S.] OMAR ALI SAIFEDDIN.

BRAZIL.

BRAZIL, 1828.

TREATY WITH BRAZIL, CONCLUDED DECEMBER 12, 1828; RATIFICATIONS EXCHANGED MARCH 18, 1829; PROCLAIMED MARCH 18, 1829.

[This treaty "in all parts relating to commerce and navigation," ceased and determined December 12, 1841, pursuant to notice given by the Brazilian Government under Article XXXIII.]

In the name of the Most Holy and Indivisible Trinity.

The United States of America and His Majesty the Emperor of Brazil, desiring to establish a firm and permanent peace and friendship between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall in future be religiously observed between the one and the other, by means of a treaty or general convention of peace, friendship, commerce, and navigation.

Negotiators.

For this most desirable object, the President of the United States has conferred full powers on William Tudor, their Chargé d'Affaires at the Court of Brazil; and His Majesty the Emperor of Brazil, on the Most Illustrious and Most Excellent Marquez of Aracaty, a member of his Council, Gentleman of the Imperial Bedchamber, Councillor of the Treasury, Grand Cross of the Order of Aviz, Senator of the Empire, Minister and Secretary of State for Foreign Affairs, and Miguel de Souza Mello e Alvim, a member of his Council, Commander of the Order of Aviz, Knight of the Imperial Order of the Cross, Chief of Division in the Imperial and National Navy, Minister and Secretary of State for the Marine;

Who, after having exchanged their said full powers, in due and proper form, have agreed to the following articles:

ARTICLE I.

Peace.

There shall be a perfect, firm, and inviolable peace and friendship between the United States of America and their citizens and His Imperial Majesty, his successors and subjects, throughout their possessions and territories respectively, without distinction of persons or places.

ARTICLE II.

Most favored nation.

The United States of America and His Majesty the Emperor of Brazil, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation if the concession was conditional. It is understood, however, that the relations and conventions which now exist, or may hereafter exist, between Brazil and Portugal, shall form an exception to this article.

ARTICLE III.

The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens and subjects of each may frequent all the coasts and countries of the other, and reside and trade there in all kinds of produce, manufactures, and merchandise; and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce, which native citizens or subjects do or shall enjoy, submitting themselves to the laws, decrees, and usages there established, to which native citizens or subjects are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties respectively, according to their own separate laws.

Free intercourse.

Coasting trade.

ARTICLE IV.

They likewise agree that whatever kind of produce, manufactures, or merchandise of any foreign country can be from time to time lawfully imported into the United States, in their own vessels, may be also imported in vessels of Brazil; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied and collected, whether the importation be made in the vessels of the one country or the other. And in like manner, that whatever kind of produce, manufactures, or merchandise of any foreign country, can be from time to time lawfully imported into the Empire of Brazil, in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or of the other. And they agree that whatever may be lawfully exported, or reëxported from the one country in its own vessels, to any foreign country, may, in like manner, be exported or reëxported in the vessels of the other country. And the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or reëxportation be made in vessels of the United States or of the Empire of Brazil. The Government of the United States, however, considering the present state of the navigation of Brazil, agrees that a vessel shall be considered as Brazilian when the proprietor and captain are subjects of Brazil and the papers are in legal form.

Vessels of both countries on the same footing.

What vessels to be considered Brazilian.

ARTICLE V.

No higher or other duties shall be imposed on the importation into the United States of any articles the produce or manufactures of the Empire of Brazil, and no higher or other duties shall be imposed on the importation into the Empire of Brazil of any articles the produce or manufactures of the United States, than are or shall be payable on the like articles, being the produce or manufactures of any other foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries, on the exportation of any articles to the United States, or to the Empire of Brazil respectively, than such as are payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles, the produce or manufac-

Duties.

tures of the United States, or of the Empire of Brazil, to or from the territories of the United States, or to or from the territories of the Empire of Brazil, which shall not equally extend to all other nations.

ARTICLE VI.

All merchants, &c., placed on the most favored footing.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens or subjects of both countries, to manage themselves their own business, in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise by wholesale or retail, as with respect to the loading, unloading, and sending off their ships; they being in all these cases to be treated as citizens or subjects of the country in which they reside, or at least to be placed on a footing with the subjects or citizens of the most favored nation.

ARTICLE VII.

The citizens and subjects of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, or merchandise or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

ARTICLE VIII.

Vessel in distress.

Whenever the citizens or subjects of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other, with their vessels, whether of merchant or of war, public or private, through stress of weather, pursuit of pirates, or enemies, they shall be received and treated with humanity, giving to them all favor and protection, for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

ARTICLE IX.

Property captured by pirates.

All the ships, merchandise, and effects belonging to the citizens or subjects of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction, or on the high seas, and may be carried or found in the rivers, roads, ports, bays, or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals, it being well understood that the claim should be made within the term of one year by the parties themselves, their attorneys, or agents of their respective Governments.

ARTICLE X.

Shipwreck.

When any vessel belonging to the citizens or subjects of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the

said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost, or contribution whatever, until they may be exported, unless they be destined for consumption.

ARTICLE XI.

The citizens or subjects of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their representatives, being citizens or subjects of the other party, shall succeed to the said personal goods, whether by testament, or ab intestato, and they may take possession thereof, either by themselves, or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein said goods are shall be subject to pay in like cases; and if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same as they may think proper, and to withdraw the proceeds without molestation, nor any other charges than those which are imposed by the laws of the country.

Personal property.

Real property.

ARTICLE XII.

Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens and subjects of each other, of all occupations, who may be in their territories, subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial intercourse, on the same terms which are usual and customary with the natives or citizens and subjects of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper in all their trials at law.

Special protection to persons and property, &c.

ARTICLE XIII.

It is likewise agreed that the most perfect and entire security of conscience shall be enjoyed by the citizens or subjects of both the contracting parties, in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens and subjects of one of the contracting parties who may die in the territories of the other shall be buried in the usual burying grounds, or in other decent or suitable places, and shall be protected from violation or disturbance.

Security of conscience, &c.

ARTICLE XIV.

It shall be lawful for the citizens and subjects of the United States of America, and of the Empire of Brazil, to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are, or who hereafter shall be, at enmity with either of the contracting parties. It

Free ships, goods.

shall likewise be lawful for the citizens and subjects aforesaid to sail with the ships and merchandises before mentioned, and to trade with the same liberty and security, from the places, ports, and havens of those who are enemies of either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several. And it is hereby stipulated that free ships shall also give freedom to goods, and that everthing shall be deemed to be free and exempt which shall be found on board the ships belonging to the citizens or subjects of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed in like manner that the same liberty be extended to persons who are on board a free ship, with this effect, that, although they be enemies to both or either party, they are not to be taken out of that free ship unless they are officers or soldiers and in the actual service of the enemies; provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognize this principle; but if either of the two contracting parties shall be at war with a third and the other neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not of others.

Free ships, free persons.

Proviso.

Article XV.

It is likewise agreed that, in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree that, four months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandise of the neutral embarked in such enemy's ship shall be free.

Qualification of the principle.

Article XVI.

This liberty of commerce and navigation shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended—

Contraband goods.

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuzees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2dly. Bucklers, helmets, breast plates, coats of mail, infantry belts, and clothes made up in the form and for a military use.

3dly. Cavalry belts and horses with their furniture.

4thly. And generally all kinds of arms and instruments of iron, steel,

brass, and copper, or of any other materials manufactured, prepared, and formed expressly to make war by sea or land.

Article XVII.

All other merchandise and things not comprehended in the articles of contraband, expressly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and, to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a force capable of preventing the entry of the neutral.

All other merchandise.

Blockade.

Article XVIII.

The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessels will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk that they cannot be received on board the capturing ship without great inconvenience; but in this and all the other cases of just detention the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment, according to law.

Contraband goods.

Article XIX.

And whereas it frequently happens that vessels sail for a port or a place belonging to an enemy, without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from any officer commanding a vessel of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either that may have entered into such port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo, nor if found therein after the reduction and surrender shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof. And if any vessel having thus entered the port before the blockade took place, shall take on board a cargo after the blockade be established, she shall be subject to being warned by the blockading forces to return to the port blockaded, and discharge the said cargo, and if after receiving the said warning the vessel shall persist in going out with the cargo, she shall be liable to the same consequences as a vessel attempting to enter a blockaded port after being warned off by the blockading forces.

Notice of blockade.

Free egress.

ARTICLE XX.

Examination of vessels.

In order to prevent all kinds of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually, that whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain at the greatest distance compatible with making the visit under the circumstances of the sea and wind and the degree of suspicion attending the vessel to be visited, and shall send its smallest boat, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill treatment, for which the commanders of the said armed ships shall be responsible with their persons and property; for which purpose the commanders of the said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit; and it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel, for the purpose of exhibiting her papers, or for any other purpose whatever.

ARTICLE XXI.

Vessels to be provided with certain papers.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens and subjects of the two contracting parties, they have agreed, and do agree, that in case one of them shall be engaged in war, the ships and vessels belonging to the citizens or subjects of the other must be furnished with sea-letters or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens or subjects of one of the parties; they have likewise agreed, that such ships being laden, besides the said sea-letters or passports, shall also be provided with certificates, containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without such requisites said vessel may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be proved to be owing to accident, and be satisfied or supplied by testimony entirely equivalent.

ARTICLE XXII.

Vessels under convoy.

It is further agreed that the stipulations above expressed, relative to the visiting and examining of vessels, shall apply only to those which sail without convoy; and when said vessel shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries; and when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ARTICLE XXIII.

Prize courts only.

It is further agreed that in all cases the established courts for prize causes, in the countries to which the prizes may be conducted, shall alone take cognizance of them. And when-

ever such tribunal, of either party, shall pronounce judgment against any vessel, or goods, or property claimed by the citizens or subjects of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

Proceedings.

Article XXIV.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen or subject of the other contracting party shall accept a commission or letter of marque for the purpose of assisting or coöperating hostilely with the said enemy, against the said party so at war, under the pain of being treated as a pirate.

Letters of marque, &c.

Article XXV.

If, by any fatality, which cannot be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business, and transport their effects wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens and subjects of all other occupations, who may be established in the territories or dominions of the United States, and of the Empire of Brazil, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

Case of war.

LIBRARY ASSOCIATION SAN FRANCISCO, CAL.

Article XXVI.

Neither the debts due from the individuals of the one nation to the individuals of the other, nor shares nor money which they may have in public funds, nor in public or private banks, shall ever in any event of war or national difference be sequestrated or confiscated.

No property confiscated.

Article XXVII.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to their Envoys, Ministers, and other public Agents, the same favors, immunities, and exemptions which those of the most favored nation do or shall enjoy; it being understood that whatever favors, immunities, or privileges the United States of America or the Empire of Brazil may find it proper to give the Ministers and public Agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

Immunities of public agents.

Article XXVIII.

To make more effectual the protection which the United States and the Empire of Brazil shall afford in future to the navigation and commerce of the citizens and subjects of each other,

Of Consuls, &c.

they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls may not seem convenient.

ARTICLE XXIX.

Exequaturs.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commissions or patent, in due form, to the Government to which they are accredited; and having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates, and inhabitants in the consular district in which they reside.

ARTICLE XXX.

Privileges of Consuls, &c.

It is likewise agreed that the Consuls, their secretaries, officers, and persons attached to the service of Consuls, they not being citizens or subjects of the country in which the Consul resides, shall be exempt from all public service, and also from all kinds of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens or subjects and inhabitants, native and foreign, of the country in which they reside are subject; being in everything besides subject to the laws of their respective States. The archives and papers of the consulate shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

ARTICLE XXXI.

Deserters.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel or ship's roll, or other public documents, that those men were part of said crews; and on this demand so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said Consuls, and may be put in the public prison, at the request and expense of those who reclaim them, to be sent to the ships to which they belonged or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall no more be arrested for the same cause.

ARTICLE XXXII.

Consular convention.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

ARTICLE XXXIII.

The United States of America and the Emperor of Brazil, desiring to make as durable as circumstances will permit the relations which are to be established between the two parties by virtue of this treaty, or general convention of peace, amity, commerce, and navigation, have declared solemnly and do agree to the following points:

1st. The present treaty shall be in force for twelve years from the date hereof, and further until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of twelve years; and it is hereby agreed between them, that on the expiration of one year after such notice shall have been received by either from the other party, this treaty, in all the parts relating to commerce and navigation, shall altogether cease and determine, and in all those parts which relate to peace and friendship it shall be permanently and perpetually binding on both powers. Duration of treaty.

2dly. If any one or more of the citizens or subjects of either party shall infringe any of the articles of this treaty, such citizen or subject shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby; each party engaging in no way to protect the offender or sanction such violation. Offences of citizens.

3dly. If, (which, indeed, cannot be expected,) unfortunately, any of the articles contained in the present treaty shall be violated or infringed in any way whatever, it is expressly stipulated, that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

4thly. Nothing in this treaty contained shall, however, be construed to operate contrary to former and existing public treaties with other Sovereigns or States.

The present treaty of peace, amity, commerce, and navigation shall be approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the Emperor of Brazil, and the ratifications shall be exchanged within eight months from the date of the signature hereof, or sooner if possible.

In faith whereof we, the Plenipotentiaries of the United States of America and of His Majesty the Emperor of Brazil, have signed and sealed these presents.

Done in the City of Rio de Janeiro, this twelfth day of the month of December, in the year of our Lord Jesus Christ one thousand eight hundred and twenty-eight.

[L. S.] W. TUDOR.
[L. S.] MARQUEZ DE ARACATY.
[L. S.] MIGUEL DE SOUZA MELLO E ALVIM.

BRAZIL, 1849.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE EMPEROR OF BRAZIL, FOR THE SATISFACTION OF CLAIMS OF CITIZENS OF THE UNITED STATES ON THE BRAZILIAN GOVERNMENT, CONCLUDED JANUARY 27, 1849; RATIFICATIONS EXCHANGED JANUARY 18, 1850; PROCLAIMED JANUARY 19, 1850.

In the name of the Most Holy and Indivisible Trinity.

Preamble.

The United States of America and His Majesty the Emperor of Brazil, desiring to remove every cause that might interfere with the good understanding and harmony which now happily exist between them, and which it is so much the interest of both countries to maintain; and to come, for that purpose, to a definitive understanding, equally just and honorable to each, as to the mode of settling the long-pending questions arising out of claims of citizens of said States, have for the same appointed, and conferred full powers, respectively, to wit:

Negotiators.

The President of the United States of America, on David Tod, Envoy Extraordinary and Minister Plenipotentiary from the said States near the court of Brazil; and His Majesty the Emperor of Brazil, upon the most illustrious and most excellent Viscount of Olinda, of his Council, and of the Council of State, Senator and Grandee of the Empire, Grand Cross of the Order of Saint Stephen of Hungary, of the Legion of Honor of France, and of Saint Maurice and Saint Lazarus of Sardinia, Officer of the Imperial Order of the Cross, Commander of the Order of Christ, President of the Council of Ministers, Minister and Secretary of State for Foreign Affairs;

Who, after exchanging their full powers, which were found in good and proper form, agreed to the following articles:

ARTICLE I.

530,000 milreis to be placed at the disposition of the President of the United States.

The two high contracting parties, appreciating the difficulty of agreeing upon the subject of said reclamations, from the belief entertained by each—one of the justice of the claims, and the other of their injustice—and being convinced that the only equitable and honorable method by which the two countries can arrive at a perfect understanding of said questions is to adjust them by a single act, they mutually agreed, after a mature examination of these claims, and, in order to carry this agreement into execution, it becomes the duty of Brazil, to place at the disposition of the President of the United States the amount of five hundred and thirty thousand milreis, current money of Brazil, as a reasonable and equitable sum; which shall comprehend the whole of the reclamations, whatever may be their nature and amount, and as full compensation for the indemnifications claimed by the Government of said States, to be paid in a round sum, without reference to any one of said claims, upon the merits of which the two high contracting parties refrain from entering; it being left to the Government of the United States to estimate the justice that may pertain to the claimants, for the purpose of distributing among them the aforesaid sum of five hundred and thirty thousand milreis as it may deem most proper.

ARTICLE II.

In conformity to what is agreed upon in the preceding article, Brazil is exonerated from all responsibility springing out of the aforesaid claims presented by the Government of the United States up to the date of this convention, which can neither be reproduced nor reconsidered in future.

Responsibility springing out of the aforesaid claims.

ARTICLE III.

In order that the Government of the United States may be enabled properly to consider the claims of the citizens of said States, they remaining, as above declared, subject to its judgment, the respective documents which throw light upon them shall be delivered by the Imperial Government to that of the United States, so soon as this convention shall receive the ratification of the Government of said States.

Documents to be furnished to the Government of the United States.

ARTICLE IV.

The sum agreed upon shall be paid by the Imperial Government to that of the United States, in the current money of Brazil, as soon as the exchange of the ratifications of this convention is made known in this capital, for which His Majesty the Emperor of Brazil pledges himself to obtain the necessary funds at the next session of the legislature.

When and how the sum is to be paid.

ARTICLE V.

The payment of the sum above named, of five hundred and thirty thousand milreis, shall not be made until after the reception of the notice in this capital of the exchange of ratifications; but the said sum shall bear interest, at six per centum per annum, from the first day of July next. The Imperial Government, however, obliges itself to make good that interest only when, in conformity to the preceding article of this convention, the amount stipulated shall be paid.

Same subject.

ARTICLE VI.

The present convention shall be ratified, and the ratifications exchanged, in Washington, within twelve months after it is signed in this capital, or sooner if possible.

In faith of which we, Plenipotentiaries of the United States of America and of His Majesty the Emperor of Brazil, sign and seal the same.

Done in the city of Rio de Janeiro, this twenty-seventh day of January, in the year of our Lord one thousand eight hundred and forty-nine.

[L. S.] DAVID TOD.
[L. S.] VISCONDE DE OLINDA.

BREMEN, LUBEC, AND HAMBURG.

(See Hanseatic Republics.)

BRUNSWICK AND LÜNEBURG.

BRUNSWICK AND LÜNEBURG, 1854.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE DUKE OF BRUNSWICK AND LÜNEBURG, CONCLUDED AUGUST 21, 1854; RATIFICATIONS EXCHANGED JULY 28, 1855; PROCLAIMED JULY 30, 1855.

[The duchy of Brunswick and Lüneburg became a State of the North German Union by the constitution of the latter, which took effect July 1, 1867, and which conferred the power of making treaties upon the King of Prussia. (See opinion of Attorney General Evarts, August 19, 1868; 12 Opinions of Attorneys General, 463.)]

Preamble.

The President of the United States of America and His Highness the Duke of Brunswick and Lüneburg, animated by the desire to secure and extend by an amicable convention the relations happily existing between the two countries, have, to this effect, appointed as their Plenipotentiaries, to wit:

Negotiators.

The President of the United States of America, William L. Marcy, Secretary of State of the United States; and His Highness the Duke of Brunswick and Lüneburg, Dr. Julius Samson, his said Highness' Consul at Mobile, Alabama;

Who, after the exchange of their full powers, found in good and due form, have agreed upon and signed the following articles:

ARTICLE I.

Right of owning and disposing of property.

The citizens of each one of the high contracting parties shall have power to dispose of their personal property, within the jurisdiction of the other, subject to the laws of the State or country where the domicil is, or the property is found, either by testament, donation, or ab intestato, or in any other manner; and their heirs, being citizens of the other party, shall inherit all such personal estates, whether by testament or ab intestato, and they may take possession of the same, either personally or by attorney, and dispose of them as they may think proper, paying to the respective Governments no other charges than those to which the inhabitants of the country in which the said property shall be found would be liable in a similar case; and in the absence of such heir or heirs the same care shall be taken of the property that would be taken in the like case for the preservation of the property of a citizen of the same country, until the lawful proprietor shall have had time to take measures for possessing himself of the same; and in case any dispute

Absent heirs.

should arise between claimants to the same succession, as to the property thereof, the question shall be decided according to the laws, and by the judges, of the country in which the property is situated.

ARTICLE II.

If by the death of a person owning real property in the territory of one of the high contracting parties such property should descend, either by the laws of the country or by testamentary disposition, to a citizen of the other party, who, on account of his being an alien, could not be permitted to retain the actual possession of such property, such term as the laws of the State or country will permit shall be allowed to him to dispose of such property, and collect and withdraw the proceeds thereof, without paying to the Government any other charges than those which, in a similar case, would be paid by an inhabitant of the country in which such real property may be situated.

Devisees or heirs of real estate.

ARTICLE III.

The present convention shall be in force for the term of twelve years from the date hereof; and further until the end of twelve months after the Government of the United States on the one part, or that of His Highness the Duke of Brunswick and Lüneburg on the other, shall have given notice of its intention of terminating the same.

Duration of this convention.

This convention shall be ratified, and the ratifications shall be exchanged at Washington, within twelve months after its date, or sooner if possible.

Ratifications.

In faith whereof the respective Plenipotentiaries have signed the present convention, and have thereunto affixed their seals.

Done at Washington this twenty-first day of August, in the year of our Lord one thousand eight hundred and fifty-four, and of the Independence of the United States the seventy-ninth.

[L. S.] W. L. MARCY.
[L. S.] JULIUS SAMSON.

CENTRAL AMERICA.

CENTRAL AMERICA, 1825.

GENERAL CONVENTION OF PEACE, AMITY, COMMERCE, AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERATION OF THE CENTRE OF AMERICA, CONCLUDED DECEMBER 5, 1825; RATIFICATIONS EXCHANGED AUGUST 2, 1826; PROCLAIMED OCTOBER 28, 1826.

[This treaty, as respects commerce and navigation, expired by its own limitation on the 2d of August, 1838, and for the rest by the dissolution of the Federation in 1847–'48.]

The United States of America and the Federation of the Centre of America, desiring to make firm and permanent the peace and friendship which happily prevail between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall in future be religiously observed between the one and the other, by means of a treaty, or general convention of peace, friendship, commerce, and navigation.

Negotiators.

For this most desirable object, the President of the United States of America has conferred full powers on Henry Clay, their Secretary of State; and the Executive Power of the Federation of the Centre of America on Antonio José Cañas, a Deputy of the Constituent National Assembly for the Province of San Salvador, and Envoy Extraordinary and Minister Plenipotentiary of that Republic near the United States;

Who, after having exchanged their said full powers in due and proper form, have agreed to the following articles:

ARTICLE I.

Peace and friendship.

There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Federation of the Centre of America, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places.

ARTICLE II.

The United States of America and the Federation of the Centre of America, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation if the concession was conditional.

ARTICLE III.

Freedom of intercourse.

The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity,

mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside and trade there, in all kinds of produce, manufactures, and merchandise; and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce which native citizens do or shall enjoy, submitting themselves to the laws, decrees, and usages there established to which native citizens are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties, respectively, according to their own separate laws.

ARTICLE IV.

Further agreement with regard to the produce, &c., of each other.

They likewise agree that whatever kind of produce, manufacture, or merchandise of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may be also imported in vessels of the Federation of the Centre of America; and that no higher or other duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other. And in like manner that whatever kind of produce, manufactures, or merchandise of any foreign country can be, from time to time, lawfully imported into the Central Republic, in its own vessels, may be also imported in vessels of the United States, and that no higher or other duties upon the tonnage of the vessel, or her cargo, shall be levied and collected, whether the importation be made in vessels of the one country or of the other. And they further agree that whatever may be lawfully exported or reëxported from the one country in its own vessels to any foreign country may, in like manner, be exported or reëxported in the vessels of the other country. And the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or reexportation be made in vessels of the United States or of the Central Republic.

ARTICLE V.

Duties.

No higher or other duties shall be imposed on the importation into the United States of any articles, the produce or manufactures of the Federation of the Centre of America, and no higher or other duties shall be imposed on the importation into the Federation of the Centre of America of any articles, the produce or manufactures of the United States, than are or shall be payable on the like articles, being the produce or manufactures of any other foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries on the exportation of any articles to the United States or to the Federation of the Centre of America, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles, the produce or manufactures of the United States or of the Federation of the Centre of America, to or from the territories of the United States or to or from the territories of the Federation of the Centre of America, which shall not equally extend to all other nations.

ARTICLE VI.

Further agreement.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens, of both countries, to manage, themselves, their own business, in all the ports

and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise, by wholesale or retail, as with respect to the loading, unloading, and sending off their ships; they being, in all these cases, to be treated as citizens of the country in which they reside, or at least to be placed on a footing with the subjects or citizens of the most favored nation.

ARTICLE VII.

Embargo, &c.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandise, or effects for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

ARTICLE VIII.

Protection to be given to citizens of each other.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other, with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates, or enemies, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

ARTICLE IX.

Captures by pirates.

All the ships, merchandise, and effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals; it being well understood that the claim should be made within the term of one year by the parties themselves, their attorneys, or agents of the respective Governments.

ARTICLE X.

Wrecks.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts, or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost, or contribution whatever, until they may be exported.

ARTICLE XI.

Personal goods.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and they may take possession thereof, either by themselves or others acting for them,

and dispose of the same at their will, paying such dues only as the inhabitants of the country, wherein said goods are, shall be subject to pay in like cases. And if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance, on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation, and exempt from all duties of detraction, on the part of the Government of the respective States.

Article XII.

Contracting parties promise to give their special protection to the citizens of each other.

Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories, subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals, in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

Article XIII.

Security of conscience.

It is likewise agreed that the most perfect and entire security of conscience shall be enjoyed by the citizens of both the contracting parties in the country subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying grounds, or in other decent and suitable places, and shall be protected from violation or disturbance.

Article XIV.

Citizens of both parties to sail with their ships in liberty and security.

It shall be lawful for the citizens of the United States of America and of the Federation of the Centre of America to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port, to the places of those who now are, or hereafter shall be, at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise before mentioned, and to trade with the same liberty and security from the places, ports, and havens, of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy, before mentioned, to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several. And it is hereby stipulated, that free ships shall also give freedom to goods, and that everything shall be deemed to be free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole

lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers or soldiers, and in the actual service of the enemy: *Provided*, However, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognize this principle; but if either of the two contracting parties shall be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not of others.

Proviso.

Article XV.

It is likewise agreed that, in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree that two months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandise of the neutral, embarked in such enemy's ships, shall be free.

Further agreement.

Article XVI.

This liberty of navigation and commerce shall extend to all kinds of merchandise excepting those only which are distinguished by the name of contraband, and under this name of contraband or prohibited goods shall be comprehended—

Liberty of navigation and commerce extends to, &c.

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuzees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms;

2dly. Bucklers, helmets, breastplates, coats of mail, infantry belts and clothes, made up in the form and for a military use;

3dly. Cavalry belts and horses with their furniture;

4thly. And generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed expressly to make war by sea or land.

Article XVII.

All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in this particular it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

All other merchandise.

ARTICLE XVIII.

The articles of contraband before enumerated and classified which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband whenever the master, captain, or supercargo of said vessels will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk that they cannot be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment, according to law.

Contraband.

ARTICLE XIX.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless after warning of such blockade or investment from the commanding officer of the blockading forces she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either that may have entered into such port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo, nor if found therein after the reduction and surrender shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

Further agreement.

ARTICLE XX.

In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually, that whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon shot, and may send its boat with two or three men only in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill treatment, for which the commanders of the said armed ships shall be responsible with their persons and property, for which purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting her papers, or for any other purpose whatever.

Visits at sea.

ARTICLE XXI.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed and do agree that in case one of them should be engaged in war,

Examination of papers.

the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens of one of the parties; they have likewise agreed that such ships being laden, besides the said sea-letters or passports, shall also be provided with certificates containing the several particulars of the cargo and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed in the accustomed form; without which requisites said vessel may be detained to be adjudged by the competent tribunal, and may be declared legal prize unless the said defects shall be satisfied or supplied by testimony entirely equivalent.

ARTICLE XXII.

Further agreement.

It is further agreed that the stipulations above expressed relative to the visiting and examination of vessels shall apply only to those which sail without convoy; and when said vessels shall be under convoy the verbal declaration of the commander of the convoy on his word of honor that the vessels under his protection belong to the nation whose flag he carries—and when they are bound to an enemy's port that they have no contraband goods on board—shall be sufficient.

ARTICLE XXIII.

Prize causes.

It is further agreed that in all cases the established courts for prize causes in the country to which the prizes may be conducted shall alone take cognizance of them. And whenever such tribunal of either party shall pronounce judgment against any vessel or goods or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree and of all the proceedings in the case shall, if demanded, be delivered to the commander or agent of said vessel without any delay, he paying the legal fees for the same.

ARTICLE XXIV.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission or letter of marque for the purpose of assisting or coöperating hostilely with the said enemy against the said party so at war, under the pain of being treated as a pirate.

ARTICLE XXV.

Fatality.

If, by any fatality which cannot be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient pro-

tection until they arrive at the designated port. The citizens of all other occupations who may be established in the territories or dominions of the United States and of the Federation of the Centre of America, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

ARTICLE XXVI.

Neither the debts due from individuals of the one nation to the individuals of the other, nor shares, nor moneys which they may have in public funds, nor in public or private banks, shall ever, in any event of war, or of national difference, be sequestered or confiscated.

Debts.

ARTICLE XXVII.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the Envoys, Ministers, and other Public Agents, the same favors, immunities, and exemptions which those of the most favored nations do or shall enjoy, it being understood that whatever favors, immunities, or privileges the United States of America or the Federation of the Centre of America may find it proper to give to the Ministers and Public Agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

Official intercourse.

ARTICLE XXVIII.

To make more effectual the protection which the United States and the Federation of the Centre of America shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls may not seem convenient.

Consuls and Vice-Consuls.

ARTICLE XXIX.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates, and inhabitants in the consular district in which they reside.

Consuls, &c.

ARTICLE XXX.

It is likewise agreed that the Consuls, their Secretaries, officers, and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts, and contributions, except those which they shall be

Persons attached to the service of Consuls, &c.

obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside are subject, being in everything besides subject to the laws of the respective States. The archives and papers of the consulate shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

ARTICLE XXXI.

Deserters.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessels or ship's roll, or other public documents, that those men were part of the said crews; and, on this demand so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said Consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty and shall be no more arrested for the same cause.

ARTICLE XXXII.

Commerce and navigation.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

ARTICLE XXXIII.

Points agreed on.

The United States of America and the Federation of the Centre of America, desiring to make as durable as circumstances will permit the relations which are to be established between the two parties by virtue of this treaty, or general convention of peace, amity, commerce, and navigation, have declared solemnly, and do agree to the following points:

1st. The present treaty shall remain in full force and virtue for the term of twelve years, to be counted from the day of the exchange of the ratifications, in all the parts relating to commerce and navigation; and in all those parts which relate to peace and friendship it shall be permanently and perpetually binding on both powers.

2dly. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizen shall be held personally responsible for the same, and the harmony and good correspondence between the two nations shall not be interrupted thereby; each party engaging in no way to protect the offender or sanction such violation.

3dly. If, (which indeed cannot be expected,) unfortunately, any of the articles contained in the present treaty shall be violated or infringed in any other way whatever, it is expressly stipulated that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other on complaints of injuries or damages until

the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

4thly. Nothing in this treaty contained shall, however, be construed or operate contrary to former and existing public treaties with other Sovereigns or States.

The present treaty of peace, amity, commerce, and navigation shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the Government of the Federation of the Centre of America, and the ratifications shall be exchanged in the city of Guatemala within eight months from the date of the signature hereof, or sooner if possible.

In faith whereof we, the Plenipotentiaries of the United States of America and of the Federation of the Centre of America, have signed and sealed these presents.

Done in the city of Washington on the fifth day of December, in the year of our Lord one thousand eight hundred and twenty-five, in the fiftieth year of the Independence of the United States of America, and the fifth of that of the Federation of the Centre of America, in duplicate.

[L. S.] H. CLAY.
[L. S.] ANTONIO JOSÉ CAÑAS.

CHILI.

CHILI, 1832.

GENERAL CONVENTION OF PEACE, AMITY, COMMERCE, AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CHILI, CONCLUDED MAY 16, 1832; RATIFICATIONS EXCHANGED AT WASHINGTON APRIL 29, 1834; PROCLAIMED APRIL 29, 1834.

[This treaty and the explanatory convention which follows it were terminated January 20, 1850, pursuant to notice by the Chilian Government under Article XXXI.]

In the name of God, Author and Legislator of the Universe.

The United States of America and the Republic of Chili, desiring to make firm and lasting the friendship and good understanding which happily prevail between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall in future be religiously observed between the one and the other, by means of a treaty or general convention of peace and friendship, commerce, and navigation.

Negotiators.

For this most desirable object, the President of the United States of America, by and with the advice and consent of the Senate thereof, has appointed and conferred full powers on John Hamm, a citizen of said States, and their Chargé d'Affaires near the said Republic; and His Excellency the President of the Republic of Chili has appointed Señor Don Andres Bello, a citizen of the said Republic;

And the said Plenipotentiaries, after having mutually produced and exchanged copies of their full powers in due and proper form, have agreed upon and concluded the following articles, videlicet:

ARTICLE I.

Peace and friendship.

There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic of Chili, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places.

ARTICLE II.

The United States of America and the Republic of Chili, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage, mutually, not to grant any particular favor to other nations in respect of commerce and navigation, which shall not, immediately, become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation if the concession was conditional. It is understood, however, that the relations and convention which now exist, or may hereafter exist, between

the Republic of Chili and the Republic of Bolivia, the Federation of the Centre of America, the Republic of Colombia, the United States of Mexico, the Republic of Peru, or the United Provinces of the Rio de la Plata, shall form exceptions to this article.

ARTICLE III.

The citizens of the United States of America may frequent all the coasts and countries of the Republic of Chili, and reside and trade there in all sorts of produce, manufactures, and merchandise, and shall pay no other or greater duties, charges, or fees, whatsoever, than the most favored nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce, which the most favored nation does or shall enjoy, submitting themselves, nevertheless, to the laws, decrees, and usages there established, and to which are submitted the citizens and subjects of the most favored nations.

Navigation and commerce.

In like manner the citizens of the Republic of Chili may frequent all the coasts and countries of the United States of America, and reside and trade there, in all sorts of produce, manufactures, and merchandise, and shall pay no other or greater duties, charges, or fees, whatsoever, than the most favored nation is or shall be obliged to pay, and they shall enjoy all the rights, privileges, and exemptions in commerce and navigation which the most favored nation does or shall enjoy, submitting themselves, nevertheless, to the laws, decrees, and usages there established, and to which are submitted the citizens and subjects of the most favored nations. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties, respectively, according to their own separate laws.

Coasting trade.

ARTICLE IV.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries, to manage, themselves, their own business, in all ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise, by wholesale and retail, as with respect to the loading, unloading, and sending off their ships, they being in all these cases to be treated as citizens of the country in which they reside, or at least to be placed on a footing with the citizens or subjects of the most favored nation.

Merchants and others free to manage their own business.

ARTICLE V.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandise, or effects for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

Embargo or detention.

ARTICLE VI.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other, with their vessels, whether of mer-

Asylum secured.

chant or of war, public or private, through stress of weather, pursuit of pirates, or enemies, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

ARTICLE VII.

Vessels, &c., captured by pirates.

All the ships, merchandise, and effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals; it being well understood that the claim should be made within the term of one year, by the parties themselves, their attorneys, or agents of their respective Governments.

ARTICLE VIII.

Wrecks.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or suffer any damage on the coasts or within the dominions of the other, there shall be given to them all assistance and protection in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost, or contribution whatever, until they may be exported, unless they be destined for consumption in the country.

ARTICLE IX.

Personal and real estate.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases; and if in the case of real estate the said heirs would be prevented from entering into the possession of the inheritance, on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation, and exempt from any other charges than those which may be imposed by the laws of the country.

ARTICLE X.

Protection to residents.

Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse on the same terms which are usual and customary with the natives or citizens of the country in which they

may be; for which they may employ in defence of their rights such advocates, solicitors, notaries, agents, and factors as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals, in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

ARTICLE XI.

It is likewise agreed that the most perfect and entire security of conscience shall be enjoyed by the citizens of both the contracting parties in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying grounds, or in other decent or suitable places, and shall be protected from violation or disturbance.

Security of conscience.

ARTICLE XII.

It shall be lawful for the citizens of the United States of America and of the Republic of Chili to sail with their ships, with all manner of liberty and security, no distinction being made, who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise before mentioned, and to trade with the same liberty and security from the places, ports, and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy, before mentioned, to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of the one power or under several. And it is hereby stipulated that free ships shall also give freedom to goods, and that every thing shall be deemed to be free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either, they are not to be taken out of that free ship unless they are officers or soldiers, and in the actual service of the enemies: Provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognize the principle; but if either of the two contracting parties should be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not of others.

Free ships, free goods

Proviso.

ARTICLE XIII.

It is likewise agreed that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found

Neutral property on board enemy's vessel.

on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree that, four months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandise of the neutral embarked in such enemy's ship shall be free.

ARTICLE XIV.

Contraband.

This liberty of commerce and navigation shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband, and under this name of contraband, or prohibited goods, shall be comprehended—

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuzees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2. Bucklers, helmets, breastplates, coats of mail, infantry belts, and clothes made up in the form and for a military use.

3. Cavalry belts, and horses with their furniture.

4. And generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed expressly to make war by sea or land.

ARTICLE XV.

All other articles.

All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and, to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

ARTICLE XVI.

Contraband articles.

The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great, and of so large a bulk, that they cannot be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment according to law.

ARTICLE XVII.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless after warning of such blockade or investment from any officer commanding a vessel of the blockading forces she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either that may have entered into such port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo, nor if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof; and if any vessel having thus entered the port before the blockade took place, shall take on board a cargo after the blockade be established, she shall be subject to be warned by the blockading forces, to return to the port blockaded, and discharge the said cargo; and, if after receiving the said warning, the vessel shall persist in going out with the cargo, she shall be liable to the same consequences as a vessel attempting to enter a blockaded port after being warned off by the blockading forces.

Blockade.

ARTICLE XVIII.

In order to prevent all kinds of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed, mutually, that whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain at the greatest distance compatible with making the visit, under the circumstances of the sea and wind, and the degree of suspicion attending the vessel to be visited, and shall send its smallest boat in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, for which the commanders of the said armed ships shall be responsible with their persons and property; for which purpose the commanders of the said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all damages they may commit. And it is expressly agreed, that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting her papers, or for any other purpose whatever.

Visits at sea.

ARTICLE XIX.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contractng parties, they have agreed, and do agree, that, in case one of them shall be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens of one of the parties; they have likewise agreed that, such ships being laden, besides the sea-

Sea-letters or passports in case of war.

letters or passports, shall also be provided with certificates containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without which requisites said vessel may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be proved to be owing to accident, and be satisfied or supplied by testimony entirely equivalent.

Article XX.

Vessels under convoy.

It is further agreed that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and when they are bound to an enemy's port that they have no contraband goods on board, shall be sufficient.

Article XXI.

Prize courts.

It is further agreed that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either party shall pronounce judgment against any vessel or goods or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree and of all the proceedings in the case, shall, if demanded, be delivered to the commandant or agent of said vessel, without any delay, he paying the legal fees for the same.

Article XXII.

No citizen of either party to enter the service of an enemy of the other.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission or letter of marque for the purpose of assisting or coöperating hostilely with the said enemy against the said party so at war, under the pain of being treated as a pirate.

Article XXIII.

In case of war between the parties.

If, by any fatality, which cannot be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations who may be established in the territories or dominions of the United States of America, and of the Republic of Chili, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protec-

tion, which, in consideration of humanity, the contracting parties engage to give them.

ARTICLE XXIV.

Neither the debts due from the individuals of the one nation to the individuals of the other, nor shares, nor money which they may have in public funds, nor in public or private banks, shall ever, in any event of war or of national difference, be sequestrated or confiscated. Private and public debts.

ARTICLE XXV.

Both the contracting parties, being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to their Envoys, Ministers, and other Public Agents, the same favors, immunities, and exemptions which those of the most favored nation do, or shall enjoy; it being understood that whatever favors, immunities, or privileges, the United States of America or the Republic of Chili may find it proper to give to the Ministers and Public Agents of any other power, shall, by the same act, be extended to those of each of the contracting parties. Public agents.

ARTICLE XXVI.

To make more effectual the protection which the United States of America and the Republic of Chili shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nations; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls may not seem convenient. Consuls, &c.

ARTICLE XXVII.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them, by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent, in due form, to the Government to which they are accredited; and, having obtained their exequatur, they shall be held and considered as such, by all the authorities, magistrates, and inhabitants, in the consular district in which they reside. Consuls, &c.

ARTICLE XXVIII.

It is likewise agreed that the Consuls, their Secretaries, officers, and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all public service, and also from all kinds of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce, or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside are subject; being in everything besides subject to the laws of their respective States. The archives and papers of the consulate shall be respected inviolably; and under no pretext whatever shall any magistrate seize or in any way interfere with them. Immunities of Consuls, &c.

ARTICLE XXIX.

Deserters.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country; and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessels or ship's roll, or other public documents, that those men were part of said crews; and on this demand, so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said Consuls, and may be put in the public prison at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, reckoning from the day of their arrest, they shall be set at liberty, and shall no more be arrested for the same cause. It is understood, however, that if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which the case may be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

ARTICLE XXX.

Consular conventions.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare, specially, the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

ARTICLE XXXI.

The United States of America and the Republic of Chili, desiring to make, as durable as circumstances will permit, the relations which are to be established between the two parties, by virtue of this treaty or general convention of peace, amity, commerce, and navigation, have declared solemnly, and do agree to the following points:

Duration of treaty.

1st. The present treaty shall remain in full force and virtue for the term of twelve years, to be reckoned from the day of the exchange of the ratifications; and, further until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other, at the end of said term of twelve years: and it is hereby agreed between them that, on the expiration of one year after such notice shall have been received by either, from the other party, this treaty in all the parts relating to commerce and navigation, shall altogether cease and determine; and in all those parts which relate to peace and friendship it shall be permanently and perpetually binding on both powers.

2d. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizen shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

3d. If, (which, indeed, cannot be expected,) unfortunately, any of the articles contained in the present treaty shall be violated or infringed in

any other way whatever, it is expressly stipulated that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party, considering itself offended, shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

4. Nothing in this treaty contained shall, however, be construed to operate contrary to former and existing public treaties with other Sovereigns or States.

The present treaty of peace, amity, commerce, and navigation shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Chili, with the consent and approbation of the Congress of the same; and the ratifications shall be exchanged in the City of Washington within nine months, to be reckoned from the date of the signature hereof, or sooner if practicable.

In faith whereof we, the underwritten Plenipotentiaries of the United States of America and of the Republic of Chili, have signed, by virtue of our powers, the present treaty of peace, amity, commerce, and navigation, and have hereunto affixed our seals, respectively.

Done and concluded, in triplicate, in the city of Santiago, this sixteenth day of the month of May, in the year of our Lord Jesus Christ one thousand eight hundred and thirty-two, and in the fifty-sixth year of the Independence of the United States of America, and the twenty-third of that of the Republic of Chili.

[L. S.] JNO. HAMM.
[L. S.] ANDRES BELLO.

CHILI, 1833.

AN ADDITIONAL AND EXPLANATORY CONVENTION TO THE TREATY OF PEACE, AMITY, COMMERCE, AND NAVIGATION, CONCLUDED IN THE CITY OF SANTIAGO ON THE 16TH DAY OF MAY, 1832, BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CHILI, CONCLUDED SEPTEMBER 1, 1833; RATIFICATIONS EXCHANGED APRIL 29, 1834; PROCLAIMED APRIL 29, 1834.

Foregoing treaty to be carried into effect, although, &c.

Whereas the time stipulated in the treaty of amity, commerce, and navigation, between the United States of America and the Republic of Chili, signed at the city of Santiago on the 16th day of May, 1832, for the exchange of ratifications in the city of Washington has elapsed, and it being the wish of both the contracting parties that the aforesaid treaty should be carried into effect with all the necessary solemnities, and that the necessary explanations should be mutually made to remove all subject of doubt in the sense of some of its articles, the undersigned Plenipotentiaries, namely, John Hamm, a citizen of the United States of America and their Chargé d'Affaires, on the part and in the name of the United States of America, and Señor Don Andres Bello, a citizen of Chili, on the part and in the name of the Republic of Chili, having compared and exchanged their full powers, as expressed in the treaty itself, have agreed upon the following additional and explanatory articles:

ARTICLE I.

Stipulation of the 2d article.

It being stipulated by the second article of the aforesaid treaty that the relations and conventions which now exist, or may hereafter exist, between the Republic of Chili and the Republic of Bolivia, the Federation of the Centre of America, the Republic of Columbia, the United States of Mexico, the Republic of Peru, or the United Provinces of the Rio de la Plata, are not included in the prohibition of granting particular favors to other nations which may not be made common to the one or the other of the contracting powers; and these exceptions being founded upon the intimate connection and identity of feelings and interests of the new Amercan States, which were members of the same political body under the Spanish dominion, it is mutually understood that these exceptions will have all the latitude which is involved in their principle; and that they will accordingly comprehend all the new nations within the ancient territory of Spanish America, whatever alterations may take place in their constitutions, names, or boundaries, so as to include the present States of Uruguay and Paraguay, which were formerly parts of the ancient Vice-Royalty of Buenos Ayres, those of New Granada, Venezuela, and Equador in the Republic of Colombia, and any other States which may in future be dismembered from those now existing.

ARTICLE II.

Tenth article.

It being agreed by the tenth article of the aforesaid treaty that the citizens of the United States of America, personally or by their agents, shall have the right of being present at the decisions and sentences of the tribunals, in all cases which may concern them, and at the examination of witnesses and declarations that may be taken in their trials, and as the strict enforcement of this article may be in opposition to the established forms of the present due administration of justice, it is mutually understood that the Republic of Chili is only bound by the aforesaid stipulation to maintain the most perfect equality in this respect between American and Chilian citizens, the former to enjoy all the rights and benefits of the present or future provisions which the laws grant to the latter in their judicial tribunals, but no special favors or privileges.

ARTICLE III.

Slaves not to be comprehended in the 29th article.

It being agreed by the twenty-ninth article of the aforesaid treaty that deserters from the public and private vessels of either party are to be restored thereto by the respective Consuls; and whereas it is declared by the article 132 of the present constitution of Chili that "there are no slaves in Chili," and that "slaves touching the territory of the Republic are free," it is likewise mutually understood that the aforesaid stipulation shall not comprehend slaves serving under any denomination on board the public or private ships of the United States of America.

ARTICLE IV.

It is further agreed, that the ratifications of the aforesaid treaty of peace, amity, commerce, and navigation, and of the present additional and explanatory convention, shall be exchanged in the city of Washington within the term of eight months, to be counted from the date of the present convention.

This additional and explanatory convention, upon its being duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Chili, with the consent and approbation of the Congress of the same, and the respective ratifications mutually exchanged, shall be added to, and make a part of, the treaty of peace, amity, commerce, and navigation between the United States of America and the Republic of Chili, signed on the said 16th day of May, 1832, having the same force and effect as if it had been inserted word for word in the aforesaid treaty.

In faith whereof we, the undersigned Plenipotentiaries of the United States of America and the Republic of Chili, have signed, by virtue of our powers, the aforesaid additional and explanatory convention, and have caused to be affixed our hands and seals, respectively.

Done in the city of Santiago this first day of September, 1833, and in the 58th year of the Independence of the United States of America, and the 24th of the Republic of Chili.

[L. S.] JNO. HAMM.
[L. S.] ANDRES BELLO.

CHILI, 1858.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CHILI—ARBITRATION OF MACEDONIAN CLAIMS—CONCLUDED AT SANTIAGO, NOVEMBER 10, 1858; RATIFICATIONS EXCHANGED OCTOBER 15, 1859; PROCLAIMED, DECEMBER 22, 1859.

Convention between the United States of America and the Republic of Chili.

The Government of the United States of America and the Government of the Republic of Chili, desiring to settle amicably the claim made by the former upon the latter for certain citizens of the United States of America, who claim to be the rightful owners of the silver, in coin and in bars, forcibly taken from the possession of Capt. Eliphalet Smith, a citizen of the United States of America, in the valley of Sitana, in the territory of the former Vice-Royalty of Peru, in the year 1821, by order of Lord Cochrane, at the time Vice-Admiral of the Chilian squadron, have agreed, the former to name John Bigler, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, and the latter Don Geronimo Urmeneta, Minister of State in the Department of the Interior and of Foreign Relations, in the name and in behalf of their respective Governments, to examine said claim and to agree upon terms of arrangement just and honorable to both Governments.

Claims to be settled.

Negotiators.

The aforesaid Plenipotentiaries, after having exchanged their full powers, and found them in due and good form, sincerely desiring to preserve intact and strengthen the friendly relations which happily exist between their respective Governments, and to remove all cause of difference which might weaken or change them, have agreed, in the name of the Government which each represents, to submit to the arbitration of His Majesty the King of Belgium, the pending question between them, respecting the legality or illegality of the above referred to capture of silver in coin and in bars, made on the ninth day of May, 1821, by order of Lord Cochrane, Vice-Admiral of the Chilian squadron, in the valley of

Exchange of powers.

Matter in dispute to be submitted to the arbitration of the King of Belgium.

Sitana, in the territory of the former Vice-Royalty of Peru, the proceeds of sales of merchandise imported into that country in the brig Macedonian, belonging to the merchant marine of the United States of America.

Therefore the above-named Ministers agree to name His Majesty the King of Belgium as arbiter, to decide with full powers and proceedings ex æquo et bono, on the following points:

Points for arbiter to decide.

First. Is, or is not, the claim which the Government of the United States of America makes upon that of Chili, on account of the capture of the silver mentioned in the preamble of this convention, just in whole or in part?

Second. If it be just in whole or in part, what amount is the Government of Chili to allow and pay to the Government of the United States of America, as indemnity for the capture?

Third. Is the Government of Chili, in addition to the capital, to allow interest thereon; and, if so, at what rate and from what date is interest to be paid?

Proof upon which the umpire is to decide.

The contracting parties further agree that his Majesty the King of Belgium shall decide the foregoing questions upon the correspondence which has passed between the representatives of the two Governments at Washington and at Santiago, and the documents and other proofs produced during the controversy on the subject of this capture, and upon a memorial or argument thereon to be presented by each.

Each party to furnish the arbiter with a copy of the correspondence and documents above referred to, or so much thereof as it desires to present, as well as with its said memorial, within one year at furthest from the date at which they may respectively be notified of the acceptance of the arbiter.

Each party to furnish the other with a list of the papers to be presented by it to the arbiter, three months in advance of such presentation.

And if either party fail to present a copy of such papers, or its memorial, to the arbiter, within the year aforesaid, the arbiter may make his decision upon what shall have been submitted to him within that time.

The contracting parties further agree that the exception of prescription, raised in the course of the controversy, and which has been a subject of discussion between their respective Governments, shall not be considered by the arbiter in his decision, since they agree to withdraw it and exclude it from the present question.

Each of the Governments represented by the contracting parties is authorized to ask and obtain the acceptance of the arbiter; and both promise and bind themselves in the most solemn manner to acquiesce in and comply with his decision, nor at any time thereafter to raise any question, directly or indirectly, connected with the subject-matter of this arbitration.

This convention to be ratified by the Governments of the respective contracting parties, and the ratifications to be exchanged within twelve months from this date, or sooner, if possible, in the city of Santiago.

In testimony whereof the contracting parties have signed and sealed this agreement in duplicate, in the English and Spanish languages, in Santiago, the tenth day of the month of November, in the year of our Lord one thousand eight hundred and fifty-eight.

[L. S.] JOHN BIGLER,
Envoy Extraordinary and Minister Plenipotentiary of the United States of America.

[L. S.] GERONIMO URMENETA,
Plenipotenciario ad hoc.

CHINA.

CHINA, 1844.

TREATY WITH CHINA, CONCLUDED JULY 3, 1844; RATIFICATIONS EXCHANGED DECEMBER 31, 1845; PROCLAIMED APRIL 18, 1846.

The United States of America and the Ta Tsing Empire, desiring to establish firm, lasting, and sincere friendship between the two nations, have resolved to fix, in a manner clear and positive, by means of a treaty or general convention of peace, amity, and commerce, the rules which shall in future be mutually observed in the intercourse of their respective countries:

For which most desirable object the President of the United States has conferred full powers on their Commissioner, Caleb Cushing, Envoy Extraordinary and Minister Plenipotentiary of the United States to China; and the August Sovereign of the Ta Tsing Empire on his Minister and Commissioner Extraordinary Tsiyeng, of the Imperial House, a Vice Guardian of the Heir Apparent, Governor General of the Two Kwang, and Superintendent General of the trade and foreign intercourse of the five ports.

Negotiators.

And the said Commissioners, after having exchanged their said full powers, and duly considered the premises, have agreed to the following articles:

ARTICLE I.

There shall be a perfect, permanent, and universal peace, and a sincere and cordial amity, between the United States of America on the one part, and the Ta Tsing Empire on the other part, and between their people respectively, without exception of persons or places.

Peace and amity.

ARTICLE II.

Citizens of the United States resorting to China for the purposes of commerce will pay the duties of import and export prescribed in the tariff, which is fixed by and made a part of this treaty. They shall, in no case, be subject to other or higher duties than are or shall be required of the people of any other nation whatever. Fees and charges of every sort are wholly abolished, and officers of the revenue, who may be guilty of exaction, shall be punished according to the laws of China. If the Chinese Government desire to modify, in any respect, the said tariff, such modification shall be made only in consultation with Consuls or other functionaries thereto duly authorized in behalf of the United States, and with consent thereof. And if additional advantages or privileges, of whatever description, be conceded hereafter by China to any other nation, the United States, and the citizens thereof, shall be entitled thereupon to a complete, equal, and impartial participation in the same.

Duties, fees, &c.

ARTICLE III.

The citizens of the United States are permitted to frequent the five ports of Kwang-chow, Amoy, Fuchow, Ningpo, and Shanghai, and to reside with their families and trade there, and to proceed at pleasure with their vessels and merchandise to

Ports which may be frequented by citizens of the United States.

and from any foreign port and either of the said five ports, and from either of the said five ports to any other of them. But said vessels shall not unlawfully enter the other ports of China, nor carry on a clandestine and fraudulent trade along the coasts thereof. And any vessel belonging to a citizen of the United States which violates this provision shall, with her cargo, be subject to confiscation to the Chinese Government.

ARTICLE IV.

Consuls, &c.

For the superintendence and regulation of the concerns of the citizens of the United States doing business at the said five ports, the Government of the United States may appoint Consuls or other officers at the same, who shall be duly recognized as such by the officers of the Chinese Government, and shall hold official intercourse and correspondence with the latter, either personal or in writing, as occasions may require, on terms of equality and reciprocal respect. If disrespectfully treated or aggrieved in any way by the local authorities, said officers on the one hand shall have the right to make representation of the same to the superior officers of the Chinese Government, who will see that full inquiry and strict justice be had in the premises; and, on the other hand, the said Consuls will carefully avoid all acts of unnecessary offence to, or collision with, the officers and people of China.

ARTICLE V.

Privilege of trade given to the citizens of the United States.

At each of the said five ports, citizens of the United States lawfully engaged in commerce shall be permitted to import from their own or any other ports into China, and sell there, and purchase therein, and export to their own or any other ports, all manner of merchandise, of which the importation or exportation is not prohibited by this treaty, paying the duties which are prescribed by the tariff hereinbefore established, and no other charges whatsoever.

ARTICLE VI.

The papers of vessels of the United States arriving at either of the five ports.

Tonnage duties.

Whenever any merchant vessel belonging to the United States shall enter either of the said five ports for trade, her papers shall be lodged with the Consul, or person charged with affairs, who will report the same to the commissioner of customs; and tonnage duty shall be paid on said vessel at the rate of five mace per ton, if she be over one hundred and fifty tons burden; and one mace per ton if she be of the burden of one hundred and fifty tons or under, according to the amount of her tonnage as specified in the register; said payment to be in full of the former charges of measurement and other fees, which are wholly abolished. And if any vessel, which having anchored at one of the said ports, and there paid tonnage duty, shall have occasion to go to any others of the said ports to complete the disposal of her cargo, the Consul, or person charged with affairs, will report the same to the commissioner of customs, who, on the departure of the said vessel, will note in the port-clearance that the tonnage duties have been paid, and report the same to the other custom-houses; in which case on entering another port the said vessel will only pay duty there on her cargo, but shall not be subject to the payment of tonnage duty a second time.

ARTICLE VII.

No tonnage duty shall be required on boats belonging to citizens of the United States, employed in the conveyance of passengers, baggage, letters, and articles of provision, or others not subject to duty, to or from any of the five ports. All cargo boats, however, conveying merchandise subject to duty, shall pay the regular tonnage duty of one mace per ton, provided they belong to citizens of the United States, but not if hired by them from subjects of China.

ARTICLE VIII.

Citizens of the United States, for their vessels bound in, shall be allowed to engage pilots, who will report said vessels at the passes, and take them into port; and, when the lawful duties have all been paid, they may engage pilots to leave port. It shall also be lawful for them to hire, at pleasure, servants, compradors, linguists, and writers, and passage or cargo boats, and to employ laborers, seamen, and persons for whatever necessary service, for a reasonable compensation, to be agreed on by the parties, or settled by application to the Consular Officer of their Government, without interference on the part of the local officers of the Chinese Government.

Pilots, &c.

ARTICLE IX.

Whenever merchant vessels belonging to the United States shall have entered port, the superintendent of customs will, if he see fit, appoint custom-house officers to guard said vessels, who may live on board the ship or their own boats, at their convenience; but provision for the subsistence of said officers shall be made by the superintendent of customs, and they shall not be entitled to any allowance from the vessel or owner thereof; and they shall be subject to suitable punishment for any exaction practiced by them in violation of this regulation.

Custom-house officers.

ARTICLE X.

Whenever a merchant vessel belonging to the United States shall cast anchor in either of said ports, the supercargo, master, or consignee, will, within forty-eight hours, deposit the ship's papers in the hands of the Consul or person charged with the affairs of the United States, who will cause to be communicated to the superintendent of customs a true report of the name and tonnage of such vessel, the names of her men, and of the cargo on board; which being done, the superintendent will give a permit for the discharge of her cargo.

Proceedings of vessels of the United States on their arrival in China.

And the master, supercargo, or consignee, if he proceed to discharge the cargo without such permit, shall incur a fine of five hundred dollars; and the goods so discharged without permit shall be subject to forfeiture to the Chinese Government. But if the master of any vessel in port desire to discharge a part only of the cargo, it shall be lawful for him to do so, paying duties on such part only, and to proceed with the remainder to any other ports.

Or, if the master so desire, he may, within forty-eight hours after the arrival of the vessel, but not later, decide to depart without breaking bulk; in which case he will not be subject to pay tonnage or other duties

or charges, until, on his arrival at another port, he shall proceed to discharge cargo, when he will pay the duties on vessel and cargo, according to law. And the tonnage duties shall be held to be due after the expiration of said forty-eight hours.

ARTICLE XI.

Officers to ascertain the duties to be paid.

The superintendent of customs, in order to the collection of the proper duties, will, on application made to him through the Consul, appoint suitable officers, who shall proceed, in the presence of the captain, supercargo, or consignee, to make a just and fair examination of all goods in the act of being discharged for importation, or laden for exportation on board any merchant vessel of the United States. And if dispute occur in regard to the value of goods subject to an ad valorem duty, or in regard to the amount of tare, and the same cannot be satisfactorily arranged by the parties, the question may, within twenty-four hours, and not afterwards, be referred to the said Consul to adjust with the superintendent of customs.

ARTICLE XII.

Standards of weights and measures.

Sets of standard balances, and also weights and measures, duly prepared, stamped, and sealed, according to the standard of the custom-house at Canton, shall be delivered by the superintendents of customs to the Consuls at each of the five ports, to secure uniformity, and prevent confusion in measures and weights of merchandise.

ARTICLE XIII.

Tonnage and other duties.

The tonnage duty on vessels belonging to citizens of the United States shall be paid on their being admitted to entry. Duties of import shall be paid on the discharge of the goods, and duties of export on the lading of the same: When all such duties shall have been paid, and not before, the superintendent of customs shall give a port-clearance, and the Consul shall return the ship's papers, so that she may depart on her voyage. The duties shall be paid to the shroffs authorized by the Chinese Government to receive the same in its behalf. Duties payable by merchants of the United States shall be received either in sycee silver or in foreign money, at the rate of exchange as ascertained by the regulations now in force. And imported goods, on their resale or transit in any part of the empire, shall be subject to the imposition of no other duty than they are accustomed to pay at the date of this treaty.

ARTICLE XIV.

Transhipment of goods from one vessel of United States to another.

No goods on board any merchant vessel of the United States in port are to be transhipped to another vessel, unless there be particular occasion therefor; in which case, the occasion shall be certified by the Consul to the superintendent of customs, who may appoint officers to examine into the facts, and permit the transhipment. And if any goods be transhipped without such application, inquiry, and permit, they shall be subject to be forfeited to the Chinese Government.

ARTICLE XV.

The former limitation of the trade of foreign nations to certain per-

sons appointed at Canton by the Government, and commonly called hong-merchants, having been abolished, citizens of the United States engaged in the purchase or sale of goods of import or export, are admitted to trade with any and all subjects of China without distinction; they shall not be subject to any new limitations, nor impeded in their business by monopolies or other injurious restrictions.

ARTICLE XVI.

The Chinese Government will not hold itself responsible for any debts which may happen to be due from subjects of China to the citizens of the United States, or for frauds committed by them; but citizens of the United States may seek redress in law; and on suitable representation being made to the Chinese local authorities through the Consul, they will cause due examination in the premises, and take all proper steps to compel satisfaction. But in case the debtor be dead, or without property, or have absconded, the creditor cannot be indemnified according to the old system of the co-hong, so called. And if citizens of the United States be indebted to subjects of China, the latter may seek redress in the same way through the Consul, but without any responsibility for the debt on the part of the United States.

Debts.

ARTICLE XVII.

Citizens of the United States residing or sojourning at any of the ports open to foreign commerce shall enjoy all proper accommodation in obtaining houses and places of business, or in hiring sites from the inhabitants on which to construct houses and places of business, and also hospitals, churches, and cemeteries. The local authorities of the two Governments shall select in concert the sites for the foregoing objects, having due regard to the feelings of the people in the location thereof; and the parties interested will fix the rent by mutual agreement, the proprietors on the one hand not demanding any exorbitant price, nor the merchants on the other unreasonably insisting on particular spots, but each conducting with justice and moderation. And any desecration of said cemeteries by subjects of China shall be severely punished according to law.

Citizens of United States residing at any of the five ports.

At the places of anchorage of the vessels of the United States, the citizens of the United States, merchants, seamen, or others sojourning there, may pass and repass in the immediate neighborhood; but they shall not at their pleasure make excursions into the country among the villages at large, nor shall they repair to public marts for the purpose of disposing of goods unlawfully and in fraud of the revenue.

Places of anchorage.

And, in order to the preservation of the public peace, the local officers of the Government at each of the five ports shall, in concert with the Consuls, define the limits beyond which it shall not be lawful for citizens of the United States to go.

ARTICLE XVIII.

It shall be lawful for the officers or citizens of the United States to employ scholars and people of any part of China, without distinction of persons, to teach any of the languages of the empire, and to assist in literary labors; and the persons so employed shall

Teachers, &c.

not, for that cause, be subject to any injury on the part either of the Government or of individuals; and it shall in like manner be lawful for citizens of the United States to purchase all manner of books in China.

ARTICLE XIX.

Protection.

All citizens of the United States in China, peaceably attending to their affairs, being placed on a common footing of amity and good will with subjects of China, shall receive and enjoy, for themselves and everything appertaining to them, the special protection of the local authorities of Government, who shall defend them from all insult or injury of any sort on the part of the Chinese. If their dwellings or property be threatened or attacked by mobs, incendiaries, or other violent or lawless persons, the local officers, on requisition of the Consul, will immediately despatch a military force to disperse the rioters, and will apprehend the guilty individuals, and punish them with the utmost rigor of the law.

ARTICLE XX.

Re-exportation.

Citizens of the United States who may have imported merchandise into any of the free ports of China, and paid the duty thereon, if they desire to re-export the same, in part or in whole, to any other of the said ports, shall be entitled to make application, through their Consul, to the superintendent of customs, who, in order to prevent frauds on the revenue, shall cause examination to be made by suitable officers to see that the duties paid on such goods, as entered on the custom-house books, correspond with the representation made, and that the goods remain with their original marks unchanged, and shall then make a memorandum in the port-clearance of the goods, and the amount of duties paid on the same, and deliver the same to the merchant; and shall also certify the facts to the officers of customs of the other ports. All which being done, on the arrival in port of the vessel in which the goods are laden, and everything being found on examination there to correspond, she shall be permitted to break bulk and land the said goods, without being subject to the payment of any additional duty thereon. But if on such examination the superintendent of customs shall detect any fraud on the revenue in the case, then the goods shall be subject to forfeiture and confiscation to the Chinese Government.

Frauds.

ARTICLE XXI.

Criminal acts.

Subjects of China who may be guilty of any criminal act towards citizens of the United States shall be arrested and punished by the Chinese authorities according to the laws of China; and citizens of the United States who may commit any crime in China shall be subject to be tried and punished only by the Consul, or other public functionary of the United States, thereto authorized, according to the laws of the United States. And in order to the prevention of all controversy and disaffection, justice shall be equitably and impartially administered on both sides.

ARTICLE XXII.

Case of war.

Relations of peace and amity between the United States and China being established by this treaty, and the vessels of the United States being admitted to trade freely to and from

the five ports of China open to foreign commerce, it is further agreed that in case, at any time hereafter, China should be at war with any foreign nation whatever, and for that cause should exclude such nation from entering her ports, still the vessels of the United States shall not the less continue to pursue their commerce in freedom and security, and to transport goods to and from the ports of the belligerent parties, full respect being paid to the neutrality of the flag of the United States: Provided that the said flag shall not protect vessels engaged in the transportation of officers or soldiers in the enemy's service; nor shall said flag be fraudulently used to enable the enemy's ships with their cargoes to enter the ports of China; but all such vessels so offending shall be subject to forfeiture and confiscation to the Chinese Government.

Proviso.

ARTICLE XXIII.

The Consuls of the United States, at each of the five ports open to foreign trade, shall make annually to the respective Governors-General thereof a detailed report of the number of vessels belonging to the United States which have entered and left said ports during the year, and of the amount and value of goods imported or exported in said vessels, for transmission to and inspection of the board of revenue.

Consuls.

ARTICLE XXIV.

If citizens of the United States have special occasion to address any communication to the Chinese local officers of Government, they shall submit the same to their Consul, or other officer, to determine if the language be proper and respectful, and the matter just and right; in which event he shall transmit the same to the appropriate authorities for their consideration and action in the premises. In like manner, if subjects of China have special occasion to address the Consul of the United States, they shall submit the communication to the local authorities of their own Government, to determine if the language be respectful and proper, and the matter just and right; in which case the said authorities will transmit the same to the Consul, or other officer, for his consideration and action in the premises. And if controversies arise between citizens of the United States and subjects of China, which cannot be amicably settled otherwise, the same shall be examined and decided conformably to justice and equity by the public officers of the two nations acting in conjunction.

Communications.

Controversies.

ARTICLE XXV.

All questions in regard to rights, whether of property or person, arising between citizens of the United States in China, shall be subject to the jurisdiction, and regulated by the authorities of their own Government. And all controversies occurring in China between citizens of the United States and the subjects of any other Government shall be regulated by the treaties existing between the United States and such Governments, respectively, without interference on the part of China.

Regulation of questions in China.

ARTICLE XXVI.

Merchant vessels of the United States lying in the waters of the five ports of China open to foreign commerce will be under the jurisdiction of the officers of their own Government; who, with the masters and owners thereof, will manage the same without control on the part of China. For injuries done to the citizens or the commerce of the United States by any foreign power, the Chinese Government will not hold itself bound to make reparation. But if the merchant vessels of the United States, while within the waters over which the Chinese Government exercises jurisdiction, be plundered by robbers or pirates, then the Chinese local authorities, civil and military, on receiving information thereof, will arrest the said robbers or pirates, and punish them according to law, and will cause all the property which can be recovered, to be placed in the hands of the nearest Consul, or other officer of the United States, to be by him restored to the true owner. But if, by reason of the extent of territory and numerous population of China, it should, in any case, happen that the robbers cannot be apprehended, or the property only in part recovered, then the law will take its course in regard to the local authorities, but the Chinese Government will not make indemnity for the goods lost.

Merchant vessels of United States in the five ports.

Robbers, pirates, &c.

ARTICLE XXVII.

If any vessel of the United States shall be wrecked or stranded on the coast of China, and be subjected to plunder or other damage, the proper officers of Government, on receiving information of the fact, will immediately adopt measures for their relief and security; and the persons on board shall receive friendly treatment, and be enabled at once to repair to the most convenient of the free ports, and shall enjoy all facilities for obtaining supplies of provisions and water. And if a vessel shall be forced, in whatever way, to take refuge in any port other than one of the free ports, then in like manner the persons on board shall receive friendly treatment, and the means of safety and security.

Shipwrecks.

Vessels forced into any other than one of the five ports.

ARTICLE XXVIII.

Citizens of the United States, their vessels and property, shall not be subject to any embargo; nor shall they be seized or forcibly detained for any pretence of the public service; but they shall be suffered to prosecute their commerce in quiet, and without molestation or embarrassment.

Embargo.

ARTICLE XXIX.

The local authorities of the Chinese Government will cause to be apprehended all mutineers or deserters from on board the vessels of the United States in China, and will deliver them up to the Consuls or other officers for punishment. And if criminals, subjects of China, take refuge in the houses or on board the vessels of citizens of the United States, they shall not be harbored or concealed, but shall be delivered up to justice, on due requisition by the Chinese local officers addressed to those of the United States.

The merchants, seamen, and other citizens of the United States shall be under the superintendence of the appropriate officers of their Government. If individuals of either nation commit

Mutineers and deserters.

Merchants, &c., of United States.

acts of violence and disorder, use arms to the injury of others, or create disturbances endangering life, the officers of the two Governments will exert themselves to enforce order, and to maintain the public peace, by doing impartial justice in the premises.

ARTICLE XXX.

The superior authorities of the United States and of China in corresponding together shall do so in terms of equality and in the form of mutual communication, (*chau-hwui.*) The Consuls and the local officers, civil and military, in corresponding together shall likewise employ the style and form of mutual communication, (*chau-hwui.*) When inferior officers of the one Government address superior officers of the other, they shall do so in the style and form of memorial, (*chin-chin.*) Private individuals in addressing superior officers shall employ the style of petition, (*pin-ching.*) In no case shall any terms or style be suffered which shall be offensive or disrespectful to either party. And it is agreed that no presents, under any pretext or form whatever, shall ever be demanded of the United States by China, or of China by the United States.

Correspondence between the respective Governments.

Presents not to be demanded.

ARTICLE XXXI.

Communications from the Government of the United States to the Court of China shall be transmitted through the medium of the Imperial Commissioner charged with the superintendence of the concerns of foreign nations with China, or through the Governor-General of the Liang Kwang, that of Min and Cheh, or that of the Liang Kiang.

Transmission of communications.

ARTICLE XXXII.

Whenever ships of war of the United States in cruising for the protection of the commerce of their country shall arrive at any of the ports of China, the commanders of said ships and the superior local authorities of Government shall hold intercourse together in terms of equality and courtesy in token of the friendly relations of their respective nations. And the said ships of war shall enjoy all suitable facilities on the part of the Chinese Government in the purchase of provisions, procuring water, and making repairs if occasion require.

Intercourse with ships of war.

ARTICLE XXXIII.

Citizens of the United States who shall attempt to trade clandestinely with such of the ports of China as are not open to foreign commerce, or who shall trade in opium or any other contraband article of merchandise, shall be subject to be dealt with by the Chinese Government without being entitled to any countenance or protection from that of the United States; and the United States will take measures to prevent their flag from being abused by the subjects of other nations as a cover for the violation of the laws of the Empire.

Clandestine trade.

ARTICLE XXXIV.

When the present convention shall have been definitively concluded, it shall be obligatory on both powers, and its provisions shall not be altered without grave cause; but inasmuch as the circumstances of the

several ports of China open to foreign commerce are different, experience may show that inconsiderable modifications are requisite in those parts which relate to commerce and navigation; in which case the two Governments will, at the expiration of twelve years from the date of said convention, treat amicably concerning the same, by the means of suitable persons appointed to conduct such negotiation.

The treaty, when ratified, to be faithfully observed.

And when ratified this treaty shall be faithfully observed in all its parts by the United States and China and by every citizen and subject of each. And no individual State of the United States can appoint or send a minister to China to call in question the provisions of the same.

The present treaty of peace, amity, and commerce, shall be ratified and approved by the President of the United States, by and with the advice and consent of the Senate thereof, and by the August Sovereign of the Ta Tsing Empire, and the ratifications shall be exchanged within eighteen months from the date of the signature thereof, or sooner if possible.

In faith whereof we, the respective Plenipotentiaries of the United States of America and of the Ta Tsing Empire as aforesaid, have signed and sealed these presents.

Done at Wang Hiya, this third day of July, in the year of our Lord Jesus Christ one thousand eight hundred and forty-four, and of Taoukwang the twenty-fourth year, fifth month, and eighteenth day.

TSIYENG, (*in Manchu.*) [L. S.]
C. CUSHING. [L. S.]

The tariff of duties to be levied on imported and exported merchandise at the five ports.

The duties which it is agreed shall be paid upon goods imported and exported by the United States, at the custom-houses of Canton, Amoy, Fuchow, Ningpo, and Shanghai, are as follows, the articles being arranged in classes, viz:

EXPORTS.

CLASS 1.—*Alum, oils, &c.*

	*T.	M.	C.
Alum, i. e., white alum, formerly white alum and bluestone, per 100 catties	0	1	0
Anise-seed oil, not formerly contained in the tariff, per 100 catties	5	0	0
Cassia oil, not formerly contained in the tariff, per 100 catties	5	0	0

CLASS 2.—*Tea, spices, &c.*

Tea, formerly divided into fine and native black, and fine and native green teas, per 100 catties	2	5	0
Anise-seed star, per 100 catties	0	5	0
Musk, each catty	0	5	0

CLASS 3.—*Drugs.*

Capoor cutchery, per 100 catties	0	3	0
Camphor, per 100 catties	1	5	0
Arsenic, under different Chinese names, per 100 catties	0	7	5
Cassia, per 100 catties	0	7	5
Cassia buds, not formerly contained in the tariff, per 100 catties	1	0	0
China root, per 100 catties	0	2	0
Cubebs, not formerly in tariff, per 100 catties	1	5	0
Galingal, per 100 catties	0	1	0
Hartall, per 100 catties	0	5	0
Rhubarb, per 100 catties	1	0	0
Turmeric, per 100 catties	0	2	0

* Taels, mace, and candareens.

CLASS 4.—*Sundries.*

	*T.	M.	C.
Bangles, not formerly in the tariff, per 100 catties	0	5	0
Bamboo screens and bamboo ware, per 100 catties	0	2	0
Corals, native or false corals, not formerly in the tariff, per 100 catties	0	5	0
Crackers, and fire-works formerly classed as rockets, per 100 catties	0	7	5
Fans, (feather fans, &c.,) not formerly in the tariff, per 100 catties	1	0	0
Glass, glass ware of all kinds, formerly classed as native crystal ware, per 100 catties	0	5	0
Glass beads, or false pearls, per 100 catties	0	5	0
Kittisols, or paper umbrellas, per 100 catties	0	5	0
Marble, marble slabs, not formerly in the tariff, per 100 catties	0	2	0
Rice-paper pictures, per 100 catties	0	1	0
Paper fans, per 100 catties	0	5	0
Pearls, (false,) not formerly in the tariff, per 100 catties	0	5	0

CLASS 5.—*Painters' stores, &c.*

Brass leaf, per 100 catties	1	5	0
Gamboge, per 100 catties	2	0	0
Red lead, per 100 catties	0	5	0
Glue, as fish glue, cowhide glue, &c., per 100 catties	0	5	0
Paper, stationery, per 100 catties	0	5	0
Tin foil, per 100 catties	0	5	0
Vermilion, per 100 catties	3	0	0
Paintings, (large paintings,) formerly divided into large and small paintings, each	0	1	0
White lead, per 100 catties	0	2	5

CLASS 6.—*Wares of various kinds.*

Bone and horn ware, per 100 catties	1	0	0
China ware, fine and coarse, formerly classed as fine, native, coarse, and middling, per 100 catties	0	5	0
Copper ware and pewter ware, per 100 catties	0	5	0
Manufactures of wood, furniture, &c., per 100 catties	0	2	0
Ivory ware, all carved ivory work included, formerly divided into ivory and ivory carvings, per 100 catties	5	0	0
Lacquered ware, per 100 catties	1	0	0
Mother-of-pearl ware, per 100 catties	1	0	0
Rattan ware, rattan and bamboo work, per 100 catties	0	2	0
Sandal-wood ware, per 100 catties	1	0	0
Gold and silver ware, formerly divided into gold ware and silver ware, per 100 catties	10	0	0
Tortoise-shell ware, per 100 catties	10	0	0
Leather trunks and boxes, per 100 catties	0	2	0

CLASS 7.—*Canes, &c.*

Canes or walking sticks of all kinds, per 1,000 pieces	0	5	0

CLASS 8.—*Articles of clothing.*

Wearing apparel, whether of cotton, woollen, or silk, formerly divided into cotton clothing, woollen clothing, silk and satin clothing, and velvet, per 100 catties	0	5	0
Boots and shoes, whether of leather, satin, or otherwise, per 100 catties	0	2	0

CLASS 9.—*Fabrics of hemp, &c.*

Grass-cloth, and all cloths of hemp or linen, per 100 catties	1	0	0
Nankeen, and all cloths of cotton, formerly not in the tariff, per 100 catties	1	0	0

CLASS 10.—*Silk, fabrics of silk, &c.*

Raw silk of any province, per 100 catties	10	0	0
Coarse or refuse silk, per 100 catties	2	0	0
Organzine of all kinds, per 100 catties	10	0	0

* Taels, mace, and candareens.

	*T.	M.	C.
Silk ribbon and thread, per 100 catties	10	0	0
Silk and satin fabrics of all kinds, as crape, lutestring, &c., &c., formerly classed as silks and satins, per 100 catties	12	0	0
Silk and cotton mixed fabrics, per 100 catties	3	0	0

Heretofore a further charge per piece has been levied; the whole duty is now to be paid in one sum, and the further charge is abolished.

CLASS 11.—*Carpeting, matting, &c.*

Mats of all kinds, as of straw, rattan, bamboo, &c., per 100 catties	0	2	0

CLASS 12.—*Preserves, &c.*

Preserved ginger and fruits of all kinds, per 100 catties	0	5	0
Soy, per 100 catties	0	4	0
Sugar, white and brown, per 100 catties	0	2	5
Sugar candy, all kinds, per 100 catties	0	3	5
Tobacco, prepared and unprepared, &c., of all kinds, per 100 catties	0	2	0

CLASS 13.—*Unenumerated articles.*

All articles which it has not been practicable to enumerate herein specifically are to be charged a duty of five per cent. ad valorem.

CLASS 14.

Gold and silver coin, and gold and silver, duty free.

CLASS 15.

Bricks, tiles, and building materials, duty free.

IMPORTS.

CLASS 1.—*Wax, saltpetre, &c.*

Wax, foreign, as beeswax, also called tile wax, per 100 catties	1	0	0
Oil-of-rose mallows, per 100 catties	1	0	0
Saltpetre, foreign, per 100 catties	0	3	0

This article is only allowed to be sold to the Government merchants; formerly this regulation did not exist.

Soaps, foreign, as perfumed soap, per 100 catties	0	5	0

CLASS 2.—*Spices and perfumes.*

Gum benzoin and oil of benzoin, per 100 catties	1	0	0
Sandal wood, per 100 catties	0	5	0
Pepper, black, per 100 catties	0	4	0

All other articles of this class not specifically mentioned herein, to pay a duty of ten per cent. ad valorem.

Perfumery, five per cent. ad valorem.

CLASS 3.—*Drugs.*

Asafœtida, per 100 catties	1	0	0
Camphor, superior quality, i. e., pure, formerly classed as good and inferior, per catty	1	0	0
Camphor, inferior quality or refuse, formerly uncleaned camphor, per catty	0	5	0
Cloves, superior quality, picked, per 100 catties	1	5	0
Cloves, inferior quality, (mother cloves,) per 100 catties	0	5	0
Cow bezoar, per catty	1	0	0
Cutch, per 100 catties	0	3	0
Gambier, per 100 catties	0	1	5
Areca nut, per 100 catties	0	1	5
Ginseng, foreign, superior quality, &c., per 100 catties	38	0	0
Ginseng, inferior quality, &c., per 100 catties	3	5	0

Of every hundred catties of foreign ginseng of whatever sort, one-fifth part is to be considered as of superior quality, and four-fifths of inferior.

* Taels, mace, and candareens.

	*T.	M.	C.
Gum olibanum, per 100 catties	0	5	0
Myrrh, per 100 catties	0	5	0
Mace, or flower of nutmeg, per 100 catties	1	0	0
Quicksilver, per 100 catties	3	0	0
Nutmegs, first quality, per 100 catties	2	0	0
Nutmegs, second quality, or coarse, per 100 catties	1	0	0
Putchuk, per 100 catties	0	7	5
Rhinoceros horns, per 100 catties	3	0	0

CLASS 4.—*Sundries.*

Flints, per 100 catties	0	0	5
Mother of pearl shells, per 100 catties	0	2	0

CLASS 5.—*Dried meats, &c.*

Birds' nests, first quality mandarin, per 100 catties	5	0	0
Birds' nests, second quality ordinary, per 100 catties	2	5	0
Birds' nests, third quality with feathers, per 100 catties	0	5	0
Bicho de mar, first quality black, per 100 catties	0	8	0
Bicho de mar, second quality, white, per 100 catties	0	2	0
Sharks' fins, first quality, white, per 100 catties	1	0	0
Sharks' fins, second quality, black, per 100 catties	0	5	0
Stock fish, called dried fish, per 100 catties	0	4	0
Fish-maws, not formerly in tariff, per 100 catties	1	5	0

CLASS 6.—*Painters' stores.*

Cochineal, per 100 catties	5	0	0
Smalts, per 100 catties	4	0	0
Sapan wood, per 100 catties	0	1	0

CLASS 7.—*Woods, canes, &c.*

Rattans, per 100 catties	0	2	0
Ebony, per 100 catties	0	1	5

All other imported wood, as red wood, satin wood, yellow wood, not specifically enumerated, to pay a duty of ten per cent. ad valorem.

CLASS 8.—*Clocks, watches, &c.*

Clocks.
Watches.
Telescopes.
Glass panes, and crystal ware of all kinds.
Writing-desks.
Dressing-cases.
Jewelry of gold and silver.
Cutlery, swords, &c.
All the foregoing and any other miscellaneous articles of the same description, 5 per cent. ad valorem.

CLASS 9.

Gold and silver bullion, duty free.

CLASS 10.

Cotton, fabrics of cotton and canvas, from 75 to 100 chih long, and 1 chih 7 tsun to 2 chih 2 tsun wide, per piece	0	5	0
Cotton, allowing 5 per cent. for tare, per 100 catties	0	4	0
Long white cloths, 75 to 100 chih long, 2 chih 2 tsun to 2 chih 6 tsun wide, formerly divided into superior and inferior fine cotton cloth, per piece	0	1	5
Cambrics and muslins, from 50 to 60 chih long, and 2 chih 9 tsun to 3 chih 3 tsun wide, per piece	0	1	5
Cottons, grey or unbleached domestic, &c., from 75 to 100 chih long, and 2 chih to 2 chih 9 tsun wide, formerly classed as coarse long cloths, per piece	0	1	0
Twilled cottons, grey, same dimensions, per piece	0	1	0

* Taels, mace, and candareens.

	*T.	M.	C.
Chintz and prints of all kinds, from 60 to 75 chih long, and from 2 chih 9 tsun to 3 chih 3 tsun wide, formerly called ornamented or flowered cloths, per piece	0	2	0
Cotton yarn, or cotton thread, per 100 catties	1	0	0
Linen, fine, not formerly in the tariff, from 50 to 75 chih long, and 1 chih 9 tsun to 2 chih 2 tsun wide, per piece	0	5	0
Bunting, per chang	0	0	1½
All other imported articles of this class, as ginghams, pulicats, dyed cottons, velveteens, silk and cotton mixtures, and mixtures of linen and cotton, &c., &c., 5 per cent. ad valorem.			

CLASS 11.—*Fabrics of silk, woollen, &c.*

Handkerchiefs, large, above 2 chih 6 tsun, each	0	0	1½
Handkerchiefs, small, under 2 chih 6 tsun, each	0	0	1
Gold and silver thread, superior or real, per catty	0	1	3
Gold and silver thread, inferior, or imitation, per catty	0	0	3
Broadcloth, Spanish stripe, &c., from 3 chih 6 tsun to 4 chih 6 tsun wide, per chang	0	1	5
Narrow cloths, as long ells, cassimeres, &c., formerly classed as narrow woollens, per chang	0	0	7
Camlets, (Dutch,) per chang	0	1	5
Camlets, per chang	0	0	7
Imitation camlets, or bombazettes, per chang	0	0	3½
Woollen yarn, per 100 catties	3	0	0
Blankets, each	0	1	0
All other fabrics of wool, or of mixed wool and cotton, wool and silk, &c., 5 per cent. ad valorem.			

CLASS 12.—*Wines, &c.*

Wine and beer, in quart bottles, per 100	1	0	0
Wine and beer, in pint bottles, per 100	0	5	0
Wine and beer, in cask, per 100 catties	0	5	0

CLASS 13.—*Metals.*

Copper, foreign, in pigs, &c., per 100 catties	1	0	0
Copper, wrought, as sheets, rods, &c., per 100 catties	1	5	0
Iron, foreign, unmanufactured, as in pigs, per 100 catties	0	1	0
Iron, manufactured, as in bars, rods, &c., per 100 catties	0	1	5
Lead, foreign, in pigs, or manufactured, per 100 catties	0	2	8
Steel, foreign, of every kind, per 100 catties	0	4	0
Tin, foreign, per 100 catties	1	0	0
Tin plates, formerly not in the tariff, per 100 catties	0	4	0
Spelter is only permitted to be sold to government merchants.			
All unenumerated metals, as zinc, yellow copper, &c., 10 per cent. ad valorem.			

CLASS 14.—*Jewelry.*

Cornelians, per 100 stones	0	5	0
Cornelian beads, per 100 catties	10	0	0

CLASS 15.—*Skins, teeth, horns, &c.*

Bullocks' and buffalo horns, per 100 catties	2	0	0
Cow and ox hides, tanned and untanned, per 100 catties	0	5	0
Sea-otter skins, each	1	5	0
Fox skins, large, each	0	1	5
Fox skins, small, each	0	0	7½
Tiger, leopard, and marten skins, each	0	1	5
Land-otter, raccoon, and sharks' skins, per 100	2	0	0
Beaver skins, per 100	5	0	0
Hare, rabbit, and ermine skins, per 100	0	5	0
Sea-horse teeth, per 100 catties	2	0	0
Elephants' teeth, first quality, whole, per 100 catties	4	0	0
Elephants' teeth, second quality, broken, per 100 catties	2	0	0

* Taels, mace, and candareens.

CLASS 16.—*Unenumerated.*

All new goods which it has not been practicable to enumerate herein, a duty of 5 per cent. ad valorem.

CLASS 17.

Rice and other grains, duty free.
Contraband.—Opium.
Shipping dues.—These have been hitherto charged on the measurement of the ship's length and breadth, at so much per *chang*, but it is now agreed to alter the system and charge according to the registered statement of the number of tons of the ship's burden. On each ton (reckoned equal to the cubic contents of 122 tows) a shipping charge of five mace is to be levied; and all the old charges of measurement, entrance, and port-clearance fees, daily and monthly fees, &c., are abolished.

[L. S.] CUSHING.
[L. S.] TSIYENG.

CHINA, 1858.

TREATY OF PEACE, AMITY, AND COMMERCE BETWEEN THE UNITED STATES OF AMERICA AND CHINA, CONCLUDED JUNE 18, 1858; RATIFICATIONS EXCHANGED AUGUST 16, 1859; PROCLAIMED BY THE PRESIDENT OF THE UNITED STATES JANUARY 26, 1860.

Preamble.

Whereas a treaty between the United States of America and the Ta Tsing Empire was concluded and signed at Tien-tsin by their respective Plenipotentiaries, on the eighteenth day of June, 1858, which treaty is, word for word, as follows:

Contracting parties.

The United States of America and the Ta Tsing Empire, desiring to maintain firm, lasting, and sincere friendship, have resolved to renew, in a manner clear and positive, by means of a treaty or general convention of peace, amity, and commerce, the rules which shall in future be mutually observed in the intercourse of their respective countries; for which most desirable object the President of the United States and the August Sovereign of the Ta Tsing Empire have named for their Plenipotentiaries, to wit:

The President of the United States of America, William B. Reed, Envoy Extraordinary and Minister Plenipotentiary to China; and His Majesty the Emperor of China, Kweiliang, a member of the Privy Council and Superintendent of the Board of Punishments; and Hwashana, President of the Board of Civil Office, and Major General of the Bordered Blue Banner Division of the Chinese Banner-men, both of them being Imperial Commissioners and Plenipotentiaries;

And the said Ministers, in virtue of the respective full powers they have received from their Governments, have agreed upon the following articles:

ARTICLE I.

Peace and friendship.

There shall be, as there have always been, peace and friendship between the United States of America and the Ta Tsing Empire, and between their people, respectively. They shall not insult or oppress each other for any trifling cause, so as to produce an estrangement between them; and if any other nation should act unjustly or oppressively, the United States will exert their good offices, on being informed of the case, to bring about an amicable arrangement of the question, thus showing their friendly feelings.

ARTICLE II.

In order to perpetuate friendship, on the exchange of ratifications by the President, with the advice and consent of the Senate of the United States, and by His Majesty the Emperor of China, this treaty shall be kept and sacredly guarded in this way, viz: The original treaty, as ratified by the President of the United States, shall be deposited at Pekin, the capital of His Majesty the Emperor of China, in charge of the Privy Council; and, as ratified by His Majesty the Emperor of China, shall be deposited at Washington, the capital of the United States, in charge of the Secretary of State.

ARTICLE III.

In order that the people of the two countries may know and obey the provisions of this treaty, the United States of America agree, immediately on the exchange of ratifications, to proclaim the same, and to publish it by proclamation in the gazettes where the laws of the United States of America are published by authority; and His Majesty the Emperor of China, on the exchange of ratifications, agrees immediately to direct the publication of the same at the capital and by the governors of all the provinces.

ARTICLE IV.

The United States Minister in China.

In order further to perpetuate friendship, the Minister or Commissioner, or the highest diplomatic representative of the United States of America in China, shall at all times have the right to correspond on terms of perfect equality and confidence with the officers of the Privy Council at the capital, or with the Governors-General of the Two Kwangs, the provinces of Fuhkien and Chehkiang or of the Two Kiangs; and whenever he desires to have such correspondence with the Privy Council at the capital he shall have the right to send it through either of the said Governors-General or by the general post; and all such communications shall be sent under seal, which shall be most carefully respected. The Privy Council and Governors-General, as the case may be, shall in all cases consider and acknowledge such communications promptly and respectfully.

ARTICLE V.

The Minister of the United States of America in China, whenever he has business, shall have the right to visit and sojourn at the capital of His Majesty the Emperor of China, and there confer with a member of the Privy Council, or any other high officer of equal rank deputed for that purpose, on matters of common interest and advantage. His visits shall not exceed one in each year, and he shall complete his business without unnecessary delay. He shall be allowed to go by land or come to the mouth of the Peiho, into which he shall not bring ships of war, and he shall inform the authorities at that place in order that boats may be provided for him to go on his journey. He is not to take advantage of this stipulation to request visits to the capital on trivial occasions. Whenever he means to proceed to the capital, he shall communicate, in writing, his intention to the Board of Rites at the capital, and thereupon the said Board shall give the necessary directions to

facilitate his journey and give him necessary protection and respect on his way. On his arrival at the capital he shall be furnished with a suitable residence prepared for him, and he shall defray his own expenses; and his entire suite shall not exceed twenty persons, exclusive of his Chinese attendants, none of whom shall be engaged in trade.

Residence and suite.

ARTICLE VI.

If at any time His Majesty the Emperor of China shall, by treaty voluntarily made, or for any other reason, permit the representative of any friendly nation to reside at his capital for a long or short time, then, without any further consultation or express permission, the representative of the United States in China shall have the same privilege.

ARTICLE VII.

The superior authorities of the United States and of China, in corresponding together, shall do so on terms of equality and in form of mutual communication, *(chau-hwui.)* The Consuls and the local officers, civil and military, in corresponding together, shall likewise employ the style and form of mutual communication, *(chau-hwui.)* When inferior officers of the one Government address superior officers of the other, they shall do so in the style and form of memorial, *(chin-chin.)* Private individuals, in addressing superior officers, shall employ the style of petition, *(pinching.)* In no case shall any terms or style be used or suffered which shall be offensive or disrespectful to either party. And it is agreed that no presents, under any pretext or form whatever, shall ever be demanded of the United States by China, or of China by the United States.

Terms of correspondence between authorities of the United States and China.

Presents not to be demanded.

ARTICLE VIII.

In all future personal intercourse between the representative of the United States of America and the Governors-General or Governors, the interviews shall be had at the official residence of the said officers, or at their temporary residence, or at the residence of the representative of the United States of America, whichever may be agreed upon between them; nor shall they make any pretext for declining these interviews. Current matters shall be discussed by correspondence, so as not to give the trouble of a personal meeting.

Personal interviews.

ARTICLE IX.

Whenever national vessels of the United States of America, in cruising along the coast and among the ports opened for trade for the protection of the commerce of their country or for the advancement of science, shall arrive at or near any of the ports of China, commanders of said ships and the superior local authorities of Government shall, if it be necessary, hold intercourse on terms of equality and courtesy, in token of the friendly relations of their respective nations; and the said vessels shall enjoy all suitable facilities on the part of the Chinese Government in procuring provisions or other supplies and making necessary repairs. And the United States of America agree that in case of the shipwreck of any American vessel, and

Facilities of intercourse to United States vessels in Chinese waters.

its being pillaged by pirates, or in case any American vessel shall be pillaged or captured by pirates on the seas adjacent to the coast, without being shipwrecked, the national vessels of the United States shall pursue the said pirates, and if captured deliver them over for trial and punishment.

Pirates, &c.

ARTICLE X.

The United States of America shall have the right to appoint Consuls and other Commercial Agents for the protection of trade, to reside at such places in the dominions of China as shall be agreed to be opened; who shall hold official intercourse and correspondence with the local officers of the Chinese Government, (a Consul or a Vice-Consul in charge taking rank with an intendant of circuit or a prefect,) either personally or in writing, as occasions may require, on terms of equality and reciprocal respect. And the Consuls and local officers shall employ the style of mutual communication. If the officers of either nation are disrespectfully treated or aggrieved in any way by the other authorities, they have the right to make representation of the same to the superior officers of the respective Governments, who shall see that full inquiry and strict justice shall be had in the premises. And the said Consuls and Agents shall carefully avoid all acts of offence to the officers and people of China. On the arrival of a Consul duly accredited at any port in China, it shall be the duty of the Minister of the United States to notify the same to the Governor-General of the province where such port is, who shall forthwith recognize the said Consul and grant him authority to act.

United States Consuls.

ARTICLE XI.

All citizens of the United States of America in China, peaceably attending to their affairs, being placed on a common footing of amity and good will with the subjects of China, shall receive and enjoy for themselves and everything appertaining to them, the protection of the local authorities of Government, who shall defend them from all insult or injury of any sort. If their dwellings or property be threatened or attacked by mobs, incendiaries, or other violent or lawless persons, the local officers, on requisition of the Consul, shall immediately dispatch a military force to disperse the rioters, apprehend the guilty individuals, and punish them with the utmost rigor of the law. Subjects of China guilty of any criminal act toward citizens of the United States shall be punished by the Chinese authorities according to the laws of China; and citizens of the United States, either on shore or in any merchant vessel, who may insult, trouble, or wound the persons or injure the property of Chinese, or commit any other improper act in China, shall be punished only by the Consul or other public functionary thereto authorized, according to the laws of the United States. Arrests in order to trial may be made by either the Chinese or the United States authorities.

United States citizens in China.

Criminal acts.

ARTICLE XII.

Citizens of the United States, residing or sojourning at any of the ports open to foreign commerce, shall be permitted to rent houses and places of business, or hire sites on which they can themselves build houses or hospitals, churches, and cemeteries. The parties interested can fix the rent by mutual and equitable agreement; the

Citizens of United States in open ports.

proprietors shall not demand an exorbitant price, nor shall the local authorities interfere, unless there be some objections offered on the part of the inhabitants respecting the place. The legal fees to the officers for applying their seal shall be paid. The citizens of the United States shall not unreasonably insist on particular spots, but each party shall conduct with justice and moderation. Any desecration of the cemeteries by natives of China shall be severely punished according to law. At the places where the ships of the United States anchor, or their citizens reside, the merchants, seamen, or others, can freely pass and repass in the immediate neighborhood; but, in order to the preservation of the public peace, they shall not go into the country to the villages and marts to sell their goods unlawfully, in fraud of the revenue.

Article XIII.

If any vessel of the United States be wrecked or stranded on the coast of China, and be subjected to plunder or other damage, the proper officers of Government, on receiving information of the fact, shall immediately adopt measures for its relief and security; the persons on board shall receive friendly treatment, and be enabled to repair at once to the nearest port, and shall enjoy all facilities for obtaining supplies of provisions and water. If the merchant vessels of the United States, while within the waters over which the Chinese Government exercises jurisdiction, be plundered by robbers or pirates, then the Chinese local authorities, civil and military, on receiving information thereof, shall arrest the said robbers or pirates, and punish them according to law, and shall cause all the property which can be recovered to be restored to the owners or placed in the hands of the consul. If, by reason of the extent of territory and numerous population of China, it shall in any case happen that the robbers cannot be apprehended, and the property only in part recovered, the Chinese Government shall not make indemnity for the goods lost; but if it shall be proved that the local authorities have been in collusion with the robbers, the same shall be communicated to the superior authorities for memorializing the throne, and these officers shall be severely punished, and their property be confiscated to repay the losses.

Wrecks.

Pirates.

Article XIV.

The citizens of the United States are permitted to frequent the ports and cities of Canton and Chau-chau or Swatau, in the province of Kwang-tung, Amoy, Fuh-chau, and Tai-wan, in Formosa, in the province of Fuh-kien, Ningpo, in the province of Chehkiang, and Shanghai, in the province of Kiang-su, and any other port or place hereafter by treaty with other powers or with the United States opened to commerce, and to reside with their families and trade there, and to proceed at pleasure with their vessels and merchandise from any of these ports to any other of them. But said vessels shall not carry on a clandestine and fraudulent trade at other ports of China not declared to be legal, or along the coasts thereof; and any vessel under the American flag violating this provision, shall, with her cargo, be subject to confiscation to the Chinese Government; and any citizen of the United States who shall trade in any contraband article of merchandise shall be subject to be dealt with by the Chinese Government, without being entitled to any countenance or protection from that of the United States; and the United States will take measures to prevent their flag from

Open ports.

being abused by the subjects of other nations as a cover for the violation of the laws of the empire.

ARTICLE XV.

Commerce at open ports.

At each of the ports open to commerce citizens of the United States shall be permitted to import from abroad, and sell, purchase, and export all merchandise of which the importation or exportation is not prohibited by the laws of the empire. The tariff of duties to be paid by citizens of the United States, on the export and import of goods from and into China, shall be the same as was agreed upon at the treaty of Wanghia, except so far as it may be modified by treaties with other nations; it being expressly agreed that citizens of the United States shall never pay higher duties than those paid by the most favored nation.

Tariff of duties.

ARTICLE XVI.

Tonnage duties.

Tonnage duties shall be paid on every merchant vessel belonging to the United States entering either of the open ports, at the rate of four mace per ton of forty cubic feet, if she be over one hundred and fifty tons burden, and one mace per ton of forty cubic feet, if she be of the burden of one hundred and fifty tons or under, according to the tonnage specified in the register, which, with her other papers, shall, on her arrival, be lodged with the Consul, who shall report the same to the commissioner of customs. And if any vessel, having paid tonnage duty at one port, shall go to any other port to complete the disposal of her cargo, or, being in ballast, to purchase an entire or fill up an incomplete cargo, the Consul shall report the same to the commissioner of customs, who shall note on the port clearance that the tonnage duties have been paid, and report the circumstances to the collectors at the other custom-houses; in which case, the said vessel shall only pay duty on her cargo, and not be charged with tonnage duty a second time. The collectors of customs at the open ports shall consult with the Consuls about the erection of beacons or light-houses, and where buoys and light-ships should be placed.

Ships' papers.

Beacons, light-houses, &c.

ARTICLE XVII.

Pilots, servants, &c.

Citizens of the United States shall be allowed to engage pilots to take their vessels into port, and, when the lawful duties have all been paid, take them out of port. It shall be lawful for them to hire at pleasure servants, compradores, linguists, writers, laborers, seamen, and persons for whatever necessary service, with passage or cargo boats, for a reasonable compensation, to be agreed upon by the parties or determined by the consul.

ARTICLE XVIII.

Merchant vessels in port.

Whenever merchant vessels of the United States shall enter a port, the collector of customs shall, if he see fit, appoint custom-house officers to guard said vessels, who may live on board the ship or their own boats, at their convenience. The local authorities of the Chinese Government shall cause to be apprehended all mutineers or deserters from on board the vessels of the United States in China on being informed by the Consul, and will deliver

Mutineers and deserters.

them up to the Consuls or other officer for punishment. And if criminals, subjects of China, take refuge in the houses or on board the vessels of citizens of the United States, they shall not be harbored or concealed, but shall be delivered up to justice on due requisition by the Chinese local officers, addressed to those of the United States. The merchants, seamen, and other citizens of the United States shall be under the superintendence of the appropriate officers of their Government. If individuals of either nation commit acts of violence or disorder, use arms to the injury of others, or create disturbances endangering life, the officers of the two Governments will exert themselves to enforce order and to maintain the public peace, by doing impartial justice in the premises.

Criminals.

Article XIX.

Whenever a merchant vessel belonging to the United States shall cast anchor in either of the said ports, the supercargo, master, or consignee, shall, within forty-eight hours, deposit the ship's papers in the hands of the Consul or person charged with his functions, who shall cause to be communicated to the superintendent of customs a true report of the name and tonnage of such vessel, the number of her crew, and the nature of her cargo; which being done, he shall give a permit for her discharge. And the master, supercargo, or consignee, if he proceed to discharge the cargo without such permit, shall incur a fine of five hundred dollars, and the goods so discharged without permit shall be subject to forfeiture to the Chinese Government. But if a master of any vessel in port desire to discharge a part only of the cargo, it shall be lawful for him to do so, paying duty on such part only, and to proceed with the remainder to any other ports. Or, if the master so desire, he may, within forty-eight hours after the arrival of the vessel, but not later, decide to depart without breaking bulk; in which case he shall not be subject to pay tonnage or other duties or charges until, on his arrival at another port, he shall proceed to discharge cargo, when he shall pay the duties on vessel and cargo, according to law. And the tonnage duties shall be held due after the expiration of the said forty-eight hours. In case of the absence of the Consul or person charged with his functions, the captain or supercargo of the vessel may have recourse to the Consul of a friendly power, or, if he please, directly to the superintendent of customs, who shall do all that is required to conduct the ship's business.

Papers of merchant vessels.

Permit for discharge.

Tonnage duties.

Article XX.

The superintendent of customs, in order to the collection of the proper duties, shall, on application made to him through the Consul, appoint suitable officers, who shall proceed, in the presence of the captain, supercargo, or consignee, to make a just and fair examination of all goods in the act of being discharged for importation or laden for exportation on board any merchant vessel of the United States. And if disputes occur in regard to the value of goods subject to ad valorem duty, or in regard to the amount of tare, and the same cannot be satisfactorily arranged by the parties, the question may, within twenty-four hours, and not afterwards, be referred to the said Consul to adjust with the superintendent of customs.

Superintendent of customs.

Disputes.

ARTICLE XXI.

Re-exportation of goods.

Citizens of the United States who may have imported merchandise into any of the free ports of China, and paid the duty thereon, if they desire to reëxport the same in part or in whole to any other of the said ports, shall be entitled to make application, through their Consul, to the superintendent of customs, who, in order to prevent fraud on the revenue, shall cause examination to be made, by suitable officers, to see that the duties paid on such goods as are entered on the custom-house books correspond with the representation made, and that the goods remain with their original marks unchanged, and shall then make a memorandum in the port clearance of the goods and the amount of duties paid on the same, and deliver the same to the merchant, and shall also certify the facts to the officers of customs of the other ports; all which being done on the arrival in port of the vessel in which the goods are laden, and everything being found, on examination there, to correspond, she shall be permitted to break bulk and land the said goods without being subject to the payment of any additional duty thereon. But if, on such examination, the superintendent of customs shall detect any fraud on the revenue in the case, then the goods shall be subject to forfeiture and confiscation to the Chinese Government. Foreign grain or rice brought into any port of China in a ship of the United States, and not landed, may be reëxported without hindrance.

ARTICLE XXII.

The tonnage duty on vessels of the United States shall be paid on their being admitted to entry. Duties of import shall be paid on the discharge of the goods, and duties of export on the lading of the same. When all such duties shall have been paid, and not before, the collector of customs shall give a port clearance, and the consul shall return the ship's papers. The duties shall be paid to the shroffs authorized by the Chinese Government to receive the same. Duties shall be paid and received, either in sycee silver or in foreign money, at the rate of the day. If the Consul permits a ship to leave the port before the duties and tonnage dues are paid he shall be held responsible therefor.

ARTICLE XXIII.

Transhipment of goods.

When goods on board any merchant vessel of the United States in port require to be transhipped to another vessel, application shall be made to the consul, who shall certify what is the occasion therefor to the superintendent of customs, who may appoint officers to examine into the facts and permit the transhipment. And if any goods be transhipped without written permits they shall be subject to be forfeited to the Chinese Government.

ARTICLE XXIV.

Debts due, &c.

Where there are debts due by subjects of China to citizens of the United States, the latter may seek redress in law; and, on suitable representations being made to the local authorities, through the consul, they will cause due examination in the premises, and take proper steps to compel satisfaction. And if citizens of the United States be indebted to subjects of China, the latter may seek redress by representation through the Consul, or by suit in the consular court; but neither Government will hold itself responsible for such debts.

ARTICLE XXV.

It shall be lawful for the officers or citizens of the United States to employ scholars and people of any part of China, without distinction of persons, to teach any of the languages of the empire, and to assist in literary labors; and the persons so employed shall not for that cause be subject to any injury on the part either of the Government or of individuals; and it shall in like manner be lawful for citizens of the United States to purchase all manner of books in China.

Teachers, &c.

ARTICLE XXVI.

Relations of peace and amity between the United States and China being established by this treaty, and the vessels of the United States being admitted to trade freely to and from the ports of China open to foreign commerce, it is further agreed that, in case at any time hereafter China should be at war with any foreign nation whatever, and should for that cause exclude such nation from entering her ports, still the vessels of the United States shall not the less continue to pursue their commerce in freedom and security, and to transport goods to and from the ports of the belligerent powers, full respect being paid to the neutrality of the flag of the United States, provided that the said flag shall not protect vessels engaged in the transportation of officers or soldiers in the enemy's service, nor shall said flag be fraudulently used to enable the enemy's ships, with their cargoes, to enter the ports of China; but all such vessels so offending shall be subject to forfeiture and confiscation to the Chinese Government.

Case of war.

ARTICLE XXVII.

All questions in regard to rights, whether of property or person, arising between citizens of the United States in China shall be subject to the jurisdiction and regulated by the authorities of their own Government; and all controversies occurring in China between citizens of the United States and the subjects of any other Government shall be regulated by the treaties existing between the United States and such Governments, respectively, without interference on the part of China.

Controversy.

ARTICLE XXVIII.

If citizens of the United States have special occasion to address any communication to the Chinese local officers of Government, they shall submit the same to their Consul or other officer, to determine if the language be proper and respectful, and the matter just and right, in which event he shall transmit the same to the appropriate authorities for their consideration and action in the premises. If subjects of China have occasion to address the Consul of the United States, they may address him directly at the same time they inform their own officers, representing the case for his consideration and action in the premises; and if controversies arise between citizens of the United States and subjects of China, which cannot be amicably settled otherwise, the same shall be examined and decided conformably to justice and equity by the public officers of the two nations, acting in conjunction. The extortion of illegal fees is expressly prohibited. Any peaceable persons are allowed to enter the court in order to interpret, lest injustice be done.

Communications between citizens of the United States and Chinese local officers, &c.

ARTICLE XXIX.

Religious toleration.

The principles of the Christian religion, as professed by the Protestant and Roman Catholic churches, are recognized as teaching men to do good, and to do to others as they would have others do to them. Hereafter those who quietly profess and teach these doctrines shall not be harassed or persecuted on account of their faith. Any person, whether citizen of the United States or Chinese convert, who, according to these tenets, peaceably teach and practice the principles of Christianity, shall in no case be interfered with or molested.

ARTICLE XXX.

Most favored nation.

The contracting parties hereby agree that should at any time the Ta Tsing Empire grant to any nation, or the merchants or citizens of any nation, any right, privilege, or favor, connected either with navigation, commerce, political or other intercourse, which is not conferred by this treaty, such right, privilege, and favor shall at once freely inure to the benefit of the United States, its public officers, merchants, and citizens.

The present treaty of peace, amity, and commerce shall be ratified by the President of the United States, by and with the advice and consent of the Senate, within one year, or sooner, if possible, and by the August Sovereign of the Ta Tsing Empire forthwith; and the ratifications shall be exchanged within one year from the date of the signatures thereof.

In faith whereof, we, the respective Plenipotentiaries of the United States of America and of the Ta Tsing Empire, as aforesaid, have signed and sealed these presents.

Done at Tien-tsin this eighteenth day of June, in the year of our Lord one thousand eight hundred and fifty-eight, and the independence of the United States of America the eighty-second, and in the eighth year of Hienfung, fifth month, and eighth day.

[L. S.]	WILLIAM B. REED.
[L. S.]	KWEILIANG.
[L. S.]	HWASHANA.

NOTE TO ARTICLE XIX.—On the 17th July, 1867, it had been agreed between the Chinese Government and Mr. Burlingame, United States Minister at Pekin, that, subject to ratification by the Government of the United States, Article XIX should be modified as hereinafter stated. The proposed modification having been submitted to the Senate, that body, by its resolution of January 20, 1868, did "advise and consent to the modification of the treaty between the United States and China, concluded at Tien-tsin, on the 18th of June, 1858, so that the nineteenth article shall be understood to include hulks and storeships of every kind under the term merchant vessels; and so that it shall provide that if the supercargo, master, or consignee shall neglect, within forty-eight hours after a vessel casts anchor in either of the ports named in the treaty, to deposit the ship's papers in the hands of the Consul, or person charged with his functions, who shall then comply with the requisitions of the nineteenth article of the treaty in question, he shall be liable to a fine of fifty taels for each day's delay. The total amount of penalty, however, shall not exceed two hundred taels."

NOTE TO ARTICLE XXI.—On the 7th April, 1863, it was agreed between Mr. Burlingame, United States Minister at Pekin, and the Government of China, that, subject to the ratification of the Government of the United States, the twenty-first article of the treaty of June 18, 1858, "shall be so modified as to permit duties to be paid, when goods are reëxported from any one of the free ports of China, at the port into which they are finally imported; and that drawbacks shall be substituted for exemption certificates at all the ports, which drawbacks shall be regarded as negotiable and transferable articles, and be accepted by the custom-house from whatsoever merchant who may tender them, either for import or export duty to be paid by him."

The Senate advised and consented to this modification by resolution of February 4, 1864; and it was accepted, ratified, and confirmed by the President February 22, 1864.

CONVENTION BETWEEN THE UNITED STATES AND CHINA FOR THE REGULATION OF TRADE; CONCLUDED NOVEMBER 8, 1858; RATIFICATIONS EXCHANGED AT PETANG AUGUST 15, 1859.

Preamble.

Whereas a treaty of peace, amity, and commerce between the Ta Tsing Empire and the United States of America was concluded at Tien-tsin, and signed at the Temple of Hai-Kwang on the eighteenth day of June, in the year of our Lord one thousand eight hundred and fifty-eight, corresponding with the eighth day of the fifth moon of the eighth year of Hienfung; which said treaty was duly ratified by His Majesty the Emperor of China on the third day of July following, and which has been now transmitted for ratification by the President of the United States, with the advice and consent of the Senate; and whereas in the said treaty it was provided, among other things, that the tariff of duties to be paid by citizens of the United States on the export and import of goods from and into China shall be the same as was agreed upon at the treaty of Wang-hia, except so far as it may be modified by treaties with other nations, it being expressly agreed that citizens of the United States shall never pay higher duties than those paid by the most favored nations; and whereas since the signature of the said treaty material modifications of the said tariff and other matters of detail connected with and having relation to the said treaty have been made under mutual discussions by commissioners appointed to that end by the Plenipotentiaries of China, Great Britain, and France, to which the assent of the United States of America is desired and now freely given, it has been determined to record such assent and agreement in the form of a supplementary treaty, to be as binding and of the same efficacy as though they had been inserted in the original treaty.

ARTICLE I.

Tariff.

The tariff and regulations of trade and transit hereunto attached, bearing the seals of the respective Plenipotentiaries of the United States and the Ta Tsing Empire, shall henceforward and until duly altered under the provisions of treaties be in force at the ports and places open to commerce.

Contracting parties.

In faith whereof the respective Plenipotentiaries of the United States of America and of the Ta Tsing Empire, to wit, on the part of the United States, William B. Reed, Envoy Extraordinary and Minister Plenipotentiary; and on the part of the Ta Tsing Empire Kweiliang, a member of the Privy Council, Captain General of the Plain White Banner Division of the Manchu Bannermen, and Superintendent of the Board of Punishments; and Hwashana, Classical Reader at Banquets, President of the Board of Civil Office, Captain General of the Bordered Blue Banner Division of the Chinese Bannermen, both of them Plenipotentiaries; with Ho Kwei-tsing, Governor General of the two Kiang Provinces, President of the Board of War, and Guardian of the Heir-Apparent; Mingshen, President of the Ordnance Office of the Imperial Household, with the Insignia of the Second Grade; and Twan, a titular President of the Fifth Grade, member of the Establishment of the General Council, and one of the junior under Secretaries of the Board of Punishments, all of them special Imperial Commissioners deputed for the purpose, have signed and sealed these present.

Done at Shanghai this eighth day of November, in the year of our Lord one thousand eight hundred and fifty-eight, and the Independence of the United States of America the eighty-third, and in the eighth year of Hienfung, the tenth month and third day.

Signatures.

[SEAL.] WILLIAM B. REED.

[SEAL.] KWEILIANG. HWASHANA. HO KWEI-TSING. MINGSHEN. TWAN.

TARIFF ON IMPORTS.

	T.	M.	C.	C.
Agar-agar, per 100 catties	0	1	5	0
Asafœtida, per 100 catties	0	6	5	0
Beeswax, yellow, per 100 catties	1	0	0	0
Betel-nut, per 100 catties	0	1	5	0
Betel-nut, husk, per 100 catties	0	0	7	5
Bicho de Mar, black, per 100 catties	1	5	0	0
Bicho de Mar, white, per 100 catties	0	3	5	0
Birds-nests, 1st quality, per catty	0	5	5	0
Birds-nests, 2nd quality, per catty	0	4	5	0
Birds-nests, 3rd quality, or uncleaned, per catty	0	1	5	0
Buttons, brass, per gross	0	0	5	5
Camphor, baroos, clean, per catty	1	3	0	0
Camphor, baroos, refuse, per catty	0	7	2	0
Canvas and cotton duck, not exceeding 50 yards long, per piece	0	4	0	0
Cardamoms, superior, per 100 catties	1	0	0	0
Cardamoms, inferior, or grains of paradise, per 100 catties	0	5	0	0
Cinnamon, per 100 catties	1	5	0	0
Clocks, 5 per cent. ad valorem.				
Cloves, per 100 catties	0	5	0	0
Cloves, mother, per 100 catties	0	1	8	0
Coal, foreign, per ton	0	0	5	0
Cochineal, per 100 catties	5	0	0	0
Coral, per catty	0	1	0	0
Cordage, Manila, per 100 catties	0	3	5	0
Cornelians, per 100 stones	0	3	0	0
Cornelians, beads, per 100 catties	7	0	0	0
Cotton, raw, per 100 catties	0	3	5	0
Cotton piece goods, gray, white plain, and twilled, exceeding 34 inches wide, and not exceeding 40 yards long, per piece	0	0	8	0
Cotton piece goods, exceeding 34 inches wide, and exceeding 40 yards long, per every 10 yards	0	0	2	0
Cotton piece goods, drills and jeans, not exceeding 30 inches wide, and not exceeding 40 yards long, per piece	0	1	0	0
Cotton piece goods, drills and jeans, not exceeding 30 inches wide, and not exceeding 30 yards long, per piece	0	0	7	5
Cotton piece goods, T cloths, not exceeding 34 inches wide, and not exceeding 48 yards long, per piece	0	0	8	0
Cotton piece goods, T cloths, not exceeding 34 inches wide, and not exceeding 24 yards long, per piece	0	0	4	0
Cotton, dyed, figured, and plain, not exceeding 36 inches wide, and not exceeding 40 yards long, per piece	0	1	5	0
Cotton, fancy, white brocade and white spotted shirtings, not exceeding 36 inches wide, and not exceeding 40 yards long, per piece	0	1	0	0
Cotton, printed chintzes and furnitures, not exceeding 31 inches wide, and not exceeding 30 yards long, per piece	0	0	7	0
Cotton cambrics, not exceeding 46 inches wide, and not exceeding 24 yards long, per piece	0	0	7	0
Cotton cambrics, not exceeding 46 inches wide, and not exceeding 12 yards long, per piece	0	0	3	5
Cotton muslins, not exceeding 46 inches wide, and not exceeding 24 yards long, per piece	0	0	7	5

	T.	M.	C.	C.
Cotton muslins, not exceeding 46 inches wide, and not exceeding 12 yards long, per piece	0	0	3	5
Cotton damasks, not exceeding 36 inches wide, and not exceeding 40 yards long, per piece	0	2	0	0
Cotton dimities, or quiltings, not exceeding 40 inches wide, and not exceeding 12 yards long, per piece	0	0	6	5
Cotton ginghams, not exceeding 28 inches wide, and not exceeding 30 yards long, per piece	0	0	3	5
Cotton handkerchiefs, not exceeding one yard square, per doezn	0	0	2	5
Cotton fustians, not exceeding 35 yards long, per piece	0	2	0	0
Cotton velveteens, not exceeding 34 yards long, per piece	0	1	5	0
Cotton thread, per 100 catties	0	7	2	0
Cotton yarn, per 100 catties	0	7	0	0
Cow bezoar, Indian, per catty	1	5	0	0
Cutch, per 100 catties	0	1	8	0
Elephants' teeth, whole, per 100 catties	4	0	0	0
Elephants' teeth, broken, per 100 catties	3	0	0	0
Feathers, kingfisher's, peacock's, per 100	0	4	0	0
Fish-maws, per 100 catties	1	0	0	0
Fish-skin, per 100 catties	0	2	0	0
Flints, per 100 catties	0	0	3	0
Gambier, per 100 catties	0	1	5	0
Gamboge, per 100 catties	1	0	0	0
Ginseng, American crude, per 100 catties	6	0	0	0
Ginseng, American clarified, per 100 catties	8	0	0	0
Glass, window, per box of 100 square feet	0	1	5	0
Glue, per 100 catties	0	1	5	0
Gold thread, real, per catty	1	6	0	0
Gold thread, imitation, per catty	0	0	3	0
Gum benjamin, per 100 catties	0	6	0	0
Gum benjamin, oil of, per 100 catties	0	6	0	0
Gum, dragon's blood, per 100 catties	0	4	5	0
Gum, myrrh, per 100 catties	0	4	5	0
Gum, olibanum, per 100 catties	0	4	5	0
Hides, buffalo and cow, per 100 catties	0	5	0	0
Hides, rhinoceros, per 100 catties	0	4	2	0
Horns, buffalo, per 100 catties	0	2	5	0
Horns, deer, per 100 catties	0	2	5	0
Horns, rhinoceros, per 100 catties	2	0	0	0
Indigo, liquid, per 100 catties	0	1	8	0
Isinglass, per 100 catties	0	6	5	0
Lacquered ware, per 100 catties	1	0	0	0
Leather, per 100 catties	0	4	2	0
Linen, fine, as Irish or Scotch, not exceeding 50 yards long, per piece	0	5	0	0
Linen, coarse, as linen and cotton, or silk and linen mixtures, not exceeding 50 yards long, per piece	0	2	0	0
Lucraban seed, per 100 catties	0	0	3	5
Mace, per 100 catties	1	0	0	0
Mangrove bark, per 100 catties	0	0	3	0
Metals, copper, manufactured, as in sheets, rods, nails, per 100 catties	1	5	0	0
Metals, copper, unmanufactured, as in slabs, per 100 catties	1	0	0	0
Metals, copper, yellow-metal sheating and nails, per 100 catties	0	9	0	0
Metals, copper, Japan, per 100 catties	0	6	0	0
Metals, iron, manufactured, as in sheets, rods, bars, hoops, per 100 catties	0	1	2	5
Metals, iron, unmanufactured, as in pigs, per 100 catties	0	0	7	5
Metals, iron, kentledge, per 100 catties	0	0	1	0
Metals, iron, wire, per 100 catties	0	2	5	0
Metals, lead, in pigs, per 100 catties	0	2	5	0
Metals, lead, in sheets, per 100 catties	0	5	5	0
Metals, quicksilver	2	0	0	0
Metals, spelter, saleable only under regulations appended, per 100 catties	0	2	5	0
Metals, steel, per 100 catties	0	2	5	0
Metals, tin, per 100 catties	1	2	5	0
Metals, tin plates, per 100 catties	0	4	0	0
Mother-o'-pearl shell, per 100 catties	0	2	0	0
Musical boxes, 5 per cent. ad valorem.				
Mussels, dried, per 100 catties	0	2	0	0
Nutmegs, per 100 catties	2	5	0	0
Olives, unpickled, salted, or pickled, per 100 catties	0	1	8	0

	T.	M.	C.	C.
Opium, per 100 catties	30	0	0	0
Pepper, black, per 100 catties	0	3	6	0
Pepper, white, per 100 catties	0	5	0	0
Prawns, dried, per 100 catties	0	3	6	0
Putchuck, per 100 catties	0	6	0	0
Rattans, per 100 catties	0	1	5	0
Rose maloes, per catties	1	0	0	0
Salt fish, per 100 catties	0	1	8	0
Saltpetre, saleable only under regulation appended, per hundred catties	0	5	0	0
Sandal wood, per 100 catties	0	4	0	0
Sapan wood, per hundred catties	0	1	0	0
Sea-horse teeth, per 100 catties	2	0	0	0
Sharks' fins, black, per 100 catties	0	5	0	0
Sharks' fins, white, per 100 catties	1	5	0	0
Sharks' skins, per hundred	2	0	0	0
Silver thread, real, per catty	1	3	0	0
Silver thread, imitation, per catty	0	0	3	0
Sinews, buffalo and deer, per 100 catties	0	5	5	0
Skins, fox, large, each	0	1	5	0
Skins, fox, small, each	0	0	7	5
Skins, marten, each	0	1	5	0
Skins, sea otter, each	1	5	0	0
Skins, tiger and leopard, each	0	1	5	0
Skins, beaver, per hundred	5	0	0	0
Skins, doe, hare, and rabbit, per hundred	0	5	0	0
Skins, squirrel, per hundred	0	5	0	0
Skins, land otter, per hundred	2	0	0	0
Skins, racoon, per hundred	2	0	0	0
Smalts, per 100 catties	1	5	0	0
Snuff, foreign, per 100 catties	7	2	0	0
Sticklac, per 100 catties	0	3	0	0
Stockfish, per 100 catties	0	5	0	0
Sulphur and brimstone, (saleable only under regulation appended,) per 100 catties	0	2	0	0
Telescopes, spy and opera glasses, looking-glasses, mirrors, 5 per cent. ad valorem.				
Tigers' bones, per 100 catties	1	5	5	0
Timber, masts and spars, hard-wood, not exceeding 40 feet, each	4	0	0	0
Timber, masts and spars, hard-wood, not exceeding 60 feet, each	6	0	0	0
Timber, masts and spars, hard-wood, exceeding 60 feet each	10	0	0	0
Timber, masts and spars, soft-wood, not exceeding 40 feet each	2	0	0	0
Timber, masts and spars, soft-wood, not exceeding 60 feet each	4	5	0	0
Timber, masts and spars, soft-wood, exceeding 60 feet each	6	5	0	0
Timber, beams, hard-wood, not exceeding 26 feet long, and under 12 inches square, each	0	1	5	0
Timber, planks, hard-wood, not exceeding 24 feet long, 12 inches wide, and 3 inches thick, per 100	3	5	0	0
Timber, planks, hard-wood, not exceeding 16 feet long, 12 inches wide, and 3 inches thick, per 100	2	0	0	0
Timber, plank, soft-wood, per 1,000 square feet	0	7	0	0
Timber, plank, teak, per cubic foot	0	0	3	5
Tinder, per 100 catties	0	3	5	0
Tortoise-shell, per catty	0	2	5	0
Tortoise-shell, broken, per catty	0	0	7	2
Umbrellas, each	0	0	3	5
Velvets, not exceeding 34 yards long, per piece	0	1	8	0
Watches, per pair	1	0	0	0
Watches, émaillées à perles, per pair	4	5	0	0
Wax, Japan, per 100 catties	0	6	5	0
Woods, camagon, per 100 catties	0	0	3	0
Woods, ebony, per 100 catties	0	1	5	0
Woods, garroo, per 100 catties	2	0	0	0
Woods, fragrant, per 100 catties	0	4	5	0
Woods, kranjee, 35 feet long, 1 foot 8 inches wide, and 1 foot thick, each	0	8	0	0
Woods, laka, per 100 catties	0	1	4	5
Woods, red, per 100 catties	0	1	1	5
Woollen manufactures, viz. blankets, per pair	0	2	0	0
Woollen broadcloth and Spanish stripes, habit and medium cloth, 51 *a* 64 inches wide, per chang	0	1	2	0
Woollen, long ells, 31 inches wide, per chang	0	0	4	5

	T.	M.	C.	C.
Woollen camlets, English, 31 inches wide, per chang	0	0	5	0
Woollen camlets, Dutch, 33 inches wide, per chang	0	1	0	0
Woollen camlets, imitation and bombazettes, per chang	0	0	3	5
Woollen cassimeres, flannel, and narrow cloth, per chang	0	0	4	0
Woollen lastings, 31 inches wide, per chang	0	0	5	0
Woollen lastings, imitation and Orleans, 34 inches wide, per chang	0	0	3	5
Woollen bunting, not exceeding 24 inches wide, 40 yards long, per piece	0	2	0	0
Woollen and cotton mixtures, viz, lustres, plain and brocaded, not exceeding 31 yards long, per piece	0	2	0	0
Woollen, inferior Spanish stripes, per chang	0	1	0	0
Woollen yarn, per 100 catties	3	0	0	0

TARIFF ON EXPORTS.

Alum, per 100 catties	0	0	4	5
Alum, green or copperas, per 100 catties	0	1	0	0
Anise-seed, star, per 100 catties	0	5	0	0
Anise-seed, broken, per 100 catties	0	2	5	0
Anise-seed, oil, per 100 catties	5	0	0	0
Apricot seeds, or almonds, per 100 catties	0	4	5	0
Arsenic, per 100 catties	0	4	5	0
Artificial flowers, per 100 catties	1	5	0	0
Bamboo ware, per 100 catties	0	7	5	0
Bangles, or glass armlets, per 100 catties	0	5	0	0
Beans and peas, (except from New Chwang and Tang Chow,) per 100 catties	0	0	6	0
Bean cake, (except from New Chwang and Tang Chow,) per 100 catties	0	0	3	5
Bone and horn ware, per 100 catties	1	5	0	0
Brass buttons, per 100 catties	3	0	0	0
Brass foil, per 100 catties	1	5	0	0
Brass ware, per 100 catties	1	0	0	0
Brass ware, per 100 catties	1	1	5	0
Camphor, per 100 catties	0	7	5	0
Canes, per thousand	0	5	0	0
Cantharides, per 100 catties	2	0	0	0
Capoor cutchery, per 100 catties	0	3	0	0
Carpets and druggets, per hundred	3	5	0	0
Cassia lignea, per 100 catties	0	6	0	0
Cassia buds, per 100 catties	0	8	0	0
Cassia twigs, per 100 catties	0	1	5	0
Cassia oil, per 100 catties	9	0	0	0
Castor oil, per 100 catties	0	2	0	0
Chestnuts, per 100 catties	0	1	0	0
China root, per 100 catties	0	1	3	0
Chinaware, fine, per 100 catties	0	9	0	0
Chinaware, coarse, per 100 catties	0	4	5	0
Cinnabar, per 100 catties	0	7	5	0
Clothing, cotton, per 100 catties	1	5	0	0
Clothing, silk, per 100 catties	10	0	0	0
Coal, per 100 catties	0	0	4	0
Coir, per 100 catties	0	1	0	0
Copper ore, per 100 catties	0	5	0	0
Copper sheathing, old, per 100 catties	0	5	0	0
Copper and pewter ware, per 100 catties	1	1	5	0
Corals, false, per 100 catties	0	3	5	0
Cotton, raw, per 100 catties	0	3	5	0
Cotton rags, per 100 catties	0	0	4	5
Cow bezoar, per catty	0	3	6	0
Crackers, fireworks, per 100 catties	0	5	0	0
Cubebs, per 100 catties	1	5	0	0
Curiosities, antiques, 5 per cent. ad valorem.				
Dates, black, per 100 catties	0	1	5	0
Dates, red, per 100 catties	0	0	9	0
Dye, green, per catty	0	8	0	0
Eggs, preserved, per thousand	0	3	5	0
Fans, feather, per hundred	0	7	5	0
Fans, paper, per hundred	0	0	4	5
Fans, palm leaf, trimmed, per thousand	0	3	6	0
Fans, palm leaf, untrimmed, per thousand	0	2	0	0
Felt cuttings, per 100 catties	0	1	0	0

	T.	M.	C.	C.
Felt caps, per hundred	1	2	5	0
Fungus, or agaric, per 100 catties	0	6	0	0
Galangal, per 100 catties	0	1	0	0
Garlic, per 100 catties	0	0	3	5
Ginseng, native, 5 per cent. ad valorem.				
Ginseng, Corean or Japan, first quality, per catty	0	5	0	0
Ginseng, Corean or Japan, second quality, per catty	0	3	5	0
Glass beads, per 100 catties	0	5	0	0
Glass, or vitrified ware, per 100 catties	0	5	0	0
Grass-cloth, fine, per 100 catties	2	5	0	0
Grass-cloth, coarse, per 100 catties	0	7	5	0
Ground-nuts, per 100 catties	0	1	0	0
Ground-nuts, cake, per 100 catties	0	0	3	0
Gypsum, ground, or plaster of Paris, per 100 catties	0	0	3	0
Hair, camels', per 100 catties	1	0	0	0
Hair, goats', per 100 catties	0	1	8	0
Hams, per 100 catties	0	5	5	0
Hartall, or orpiment, per 100 catties	0	3	5	0
Hemp, per 100 catties	0	3	5	0
Honey, per 100 catties	0	9	0	0
Horns, deer's, young, per pair	0	9	0	0
Horns, deer's, old, per 100 catties	1	3	5	0
India ink, per 100 catties	4	0	0	0
Indigo, dry, per 100 catties	1	0	0	0
Ivory ware, per catty	0	1	5	0
Joss sticks, per 100 catties	0	2	0	0
Kittysols, or paper umbrellas, per hundred	0	5	0	0
Lacquered ware, per 100 catties	1	0	0	0
Lamp-wicks, per 100 catties	0	6	0	0
Lead, red, (minium,) per 100 catties	0	3	5	0
Lead, white, (ceruse,) per 100 catties	0	3	5	0
Lead, yellow, (massicot,) per 100 catties	0	3	5	0
Leather articles, as pouches, purses, per 100 catties	1	5	0	0
Leather, green, per 100 catties	1	8	0	0
Lichees, per 100 catties	0	2	0	0
Lily flowers, dried, per 100 catties	0	2	7	0
Lily-seed, or lotus nuts, per 100 catties	0	5	0	0
Licorice, per 100 catties	0	1	3	5
Lung-ngan, per 100 catties	0	2	5	0
Lung-ngan, without the stone, per 100 catties	0	3	5	0
Manure-cakes, or poudrette, per 100 catties	0	0	9	0
Marble slabs, per 100 catties	0	2	0	0
Mats of all kinds, per hundred	0	2	0	0
Matting, per roll of 40 yards	0	2	0	0
Melon-seeds, per 100 catties	0	1	0	0
Mother-o'-pearl ware, per catty	0	1	0	0
Mushrooms, per 100 catties	1	5	0	0
Musk, per catty	0	9	0	0
Nankeen and native cotton cloths, per 100 catties	1	5	0	0
Nutgalls, per 100 catties	0	5	0	0
Oil, as bean, tea, wood, cotton, and hemp-seed, per 100 catties	0	3	0	0
Oiled paper, per 100 catties	0	4	5	0
Olive-seed, per 100 catties	0	3	0	0
Oyster-shells, sea-shells, per 100 catties	0	0	9	0
Paint, green, per 100 catties	0	4	5	0
Palampore, or cotton bedquilts, per hundred	2	7	5	0
Paper, 1st quality, per 100 catties	0	7	0	0
Paper, 2d quality, per 100 catties	0	4	0	0
Pearls, false, per 100 catties	2	0	0	0
Peel, orange, per 100 catties	0	3	0	0
Peel, pumelo, 1st quality, per 100 catties	0	4	5	0
Peel, pumelo, 2d quality, per 100 catties	0	1	5	0
Peppermint leaf, per 100 catties	0	1	0	0
Peppermint oil, per 100 catties	3	5	0	0
Pictures and paintings, each	0	1	0	0
Pictures on pith or rice paper, per hundred	0	1	0	0
Pottery, earthenware, per 100 catties	0	0	5	0
Preserve, comfits, and sweetmeats, per 100 catties	0	5	0	0
Rattans, split, per 100 catties	0	2	5	0

	T.	M.	C.	C.
Rattan ware, per 100 catties	0	3	0	0
Rhubarb, per 100 catties	1	2	5	0
Rice or paddy wheat, millet, and other grains, per 100 catties	0	1	0	0
Rugs of hair or skin, each	0	0	9	0
Samshoo, per 100 catties	0	1	5	0
Sandal-wood ware, per catty	0	1	0	0
Sea-weed, per 100 catties	0	1	5	0
Sesamum seed, per 100 catties	0	1	3	5
Shoes and boots, leather or satin, per one hundred pairs	3	0	0	0
Shoes, straw, per one hundred pairs	0	1	8	0
Silk, raw and thrown, per 100 catties	10	0	0	0
Silk, yellow, from Szechuen, per 100 catties	7	0	0	0
Silk, reeled from Dupions, per 100 catties	5	0	0	0
Silk, wild raw, per 100 catties	2	5	0	0
Silk, refuse, per 100 catties	1	0	0	0
Silk, cocoons, per 100 catties	3	0	0	0
Silk, floss, Canton, per 100 catties	4	3	0	0
Silk, floss, from other provinces, per 100 catties	10	0	0	0
Silk, ribbons and thread, per 100 catties	10	0	0	0
Silk, piece goods, pongees, shawls, scarfs, crape, satin, gauze, velvet, and embroidered goods, per 100 catties	12	0	0	0
Silk, piece goods, Szechuen and Shantung, per 100 catties	4	5	0	0
Silk, tassels, per 100 catties	10	0	0	0
Silk caps, per hundred	0	9	0	0
Silk and cotton mixtures, per 100 catties	5	5	0	0
Silver and gold ware, per 100 catties	10	0	0	0
Snuff, per 100 catties	0	8	0	0
Soy, per 100 catties	0	4	0	0
Straw braid, per 100 catties	0	7	0	0
Sugar, brown, per 100 catties	0	1	2	0
Sugar, white, per 100 catties	0	2	0	0
Sugar candy, per 100 catties	0	2	5	0
Tallow, animal, per 100 catties	0	2	0	0
Tallow, vegetable, per 100 catties	0	3	0	0
Tea, per 100 catties	2	5	0	0
Tin-foil, per 100 catties	1	2	5	0
Tobacco, prepared, per 100 catties	0	4	5	0
Tobacco, leaf, per 100 catties	0	1	5	0
Tortoise-shell ware, per catty	0	2	0	0
Trunks, leather, per 100 catties	1	5	0	0
Turmeric, per 100 catties	0	1	0	0
Twine, hemp, Canton, per 100 catties	0	1	5	0
Twine, hemp, Soochow, per 100 catties	0	5	0	0
Turnips, salted, per 100 catties	0	1	8	0
Varnish, or crude lacquer, per 100 catties	0	5	0	0
Vermicelli, per 100 catties	0	1	8	0
Vermilion, per 100 catties	2	5	0	0
Wax, white or insect, per 100 catties	1	5	0	0
Wood, piles, poles, and joists, each	0	0	3	0
Wood ware, per 100 catties	1	1	5	0
Wool, per 100 catties	0	3	5	0

[SEAL.] WILLIAM B. REED.

RULE I.

Unenumerated goods.

Articles not enumerated in the list of exports, but enumerated in the list of imports, when exported, shall pay the amount of duty set against them in the list of imports; and similarly, articles not enumerated in the list of imports, but enumerated in the list of exports, when imported, will pay the amount of duty set against them in the list of exports. Unenumerated goods.

Articles not enumerated in either list, nor in the list of duty free goods, shall pay an ad valorem duty of five per cent., calculated upon their market value.

RULE II.

Duty-free goods.

Goods, duty free.

Gold and silver bullion, foreign coins, flour, Indian-meal, sago, biscuit, preserved meats, and vegetables.

Cheese, butter, confectionery.

Foreign clothing, jewelry, plated ware, perfumery, soap of all kinds.

Charcoal, firewood, candles, (foreign,) tobacco, (foreign,) cigars, (foreign.)

Wine, beer, spirits, household stores, ships' stores, personal baggage, stationery, carpeting, druggeting, cutlery, foreign medicines, and glass and crystal ware.

The above commodities pay no import or export duty; but, if transported into the interior, will, with the exception of personal baggage, gold and silver bullion, and foreign coins, pay a transit duty at the rate of two and a half per cent. ad valorem.

A freight or part freight of duty-free goods (personal baggage, gold and silver bullion, and foreign coins excepted) will render the vessel carrying them, though no other cargo be on board, liable to tonnage dues.

RULE III.

Contraband goods.

Contraband.

Import and export trade is alike prohibited in the following articles:

Gunpowder, shot, cannon, fowling-pieces, rifles, muskets, pistols, and all other munitions and implements of war, and salt.

RULE IV.

Weights and measures.

Weights and measures.

In the calculations of the tariff the weight of a pecul of one hundred catties is held to be equal to one hundred and thirty-three and one-third pounds avoirdupois, and the length of a *chang* of ten Chinese feet to be equal to one hundred and forty-one English inches.

One Chinese *chih* is held to equal fourteen and one-tenth inches English, and four yards English, less three inches, to equal one *chang*.

RULE V.

Regarding certain commodities heretofore contraband.

Restrictions relaxed on.

The restrictions affecting trade in opium, cash, grain, pulse, sulphur, brimstone, saltpetre, and spelter, are relaxed under the following conditions:

Opium.

1. Opium will henceforth pay thirty taels per pecul import duty. The importer will sell it only at the port. It will be carried into the interior by Chinese only, and only as Chinese property; the foreign trader will not be allowed to accompany it. The provision of the treaty of Tien-tsin, conferring privileges by virtue of the most favored clause, so far as respects citizens of the United States going into the interior to trade or paying transit duties, shall not extend to the article of opium, the transit duties on which will be arranged as the Chinese Government see fit; nor in future revisions of the tariff is the same rule of revision to be applied to opium as to other goods.

Copper cash.

2. *Copper cash.*—The export of cash to any foreign port is prohibited; but it shall be lawful for citizens of the United States to ship it at one of the open ports of China to another on compliance with the following regulation: The shipper shall give notice of the amount of cash he desires to ship, and the port of its destination, and shall bind himself, either by a bond with two sufficient sureties, or by depositing such other security as may be deemed by the customs satisfactory, to return, within six months from the date of clearance, to the collector at the port of shipment, the certificate issued by him, with an acknowledgment thereon of the receipt of the cash at the port of destination by the collector at that port, who shall thereto affix his seal; or, failing the production of the certificate, to forfeit a sum equal in value to the cash shipped.

Cash will pay no duty inwards or outwards, but a freight, or part freight of cash, though no other cargo be on board, will render the vessel carrying it liable to tonnage dues.

Rice and other grains.

3. The export of rice and all other grains whatsoever, native or foreign, no matter where grown or whence imported, to any foreign port, is prohibited; but these commodities may be carried by citizens of the United States from one of the open ports of China to another, under the same conditions in respect of security as cash, on payment at the port of shipment of the duty specified in the tariff.

No import duty shall be levyable upon rice or grain, but a freight or part freight of rice or grain, though no other cargo be on board, will render the vessel importing it liable to tonnage dues.

4. *Pulse.*—The export of pulse and bean cake from Tang-Chau, and Nin-Chwang, under the American flag is prohibited. From any of the other open ports they may be shipped, on payment of the tariff duty, either to other ports of China or to foreign countries. Pulse and bean cake.

5. Saltpetre, sulphur, brimstone, and spelter, being deemed by the Chinese to be munitions of war, shall not be imported by citizens of the United States save at the requisition of the Chinese Government, or for sale to Chinese duly authorized to purchase them. No permit to land them shall be issued until the customs have proof that the necessary authority has been given to the purchaser. It shall not be lawful for citizens of the United States to carry these commodities up the Yang-tsz-Kiang, or into any port other than those open on the sea-board, nor to accompany them into the interior on behalf of Chinese. They must be sold at the ports only, and, except at the ports, they will be regarded as Chinese property. Saltpeter, sulphur, &c.

Infractions of the conditions, as above set forth, under which trade in opium, cash, grain, pulse, sulphur, brimstone, saltpetre, and spelter may be henceforward carried on, will be punishable by confiscation of all the goods concerned. Confiscation.

Rule VI.

Liability of vessels entering port.

For the prevention of misunderstanding, it is agreed that American vessels must be reported to the Consul within twenty-four hours, counting from the time the vessel comes within the limits of the port, and that the same rule be applied to the forty-eight hours allowed by art. 19 of the treaty to remain in port without payment of tonnage dues. Liabilities of vessels entering port.

The limits of the ports shall be defined by the customs, with all consideration for the convenience of trade, compatible with due protection of the revenue; also, the limits of the anchorages within which lading and discharging are permitted by the customs, and the same shall be notified to the Consuls for public information. Limits of ports.

Rule VII.

Transit dues.

It is agreed that the amount of transit dues legally levyable upon merchandise imported or exported shall be one-half the tariff duties, except in the case of the duty free goods liable to a transit duty of two and a half per cent. ad valorem, as provided in No. 2 of these rules. Transit dues.

Merchandise shall be cleared of its transit dues under the following regulations:

In the case of imports. Notice being given at the port of entry from which the imports are to be forwarded inland of the nature and quantity of the goods, the ship from which they have been landed, and the place inland to which they are bound, with all other necessary particulars, the collector of customs shall, on due inspection made, and on receipt of the transit duty due, issue a transit duty certificate. This must be produced at every barrier station, and viséed. No further duty will be levyable upon imports so certificated, no matter how distant the place of their destination. Imports.

In the case of exports. Produce purchased by a citizen of the United States in the interior will be inspected and taken account of at the first barrier it passes on its way to the port of shipment. A memorandum showing the amount of the produce, and the port at which it is to be shipped, will be deposited there by the person in charge of the produce. He will then receive a certificate, which must be exhibited and viséed at every barrier on his way to the port of shipment. On the arrival of the produce at the barrier nearest the port notice must be given to the customs at the port, and the transit dues due thereon being paid it will be passed. On exportation the produce will pay the tariff duty. Exports.

Any attempt to pass goods inward or outward, otherwise than in compliance with the rule here laid down, will render them liable to confiscation. Unauthorized sale in transitu of goods that have been entered as above for a port will render them liable to confiscation. Any attempt to pass goods in excess of the quantity specified in the certificate will render all the goods of the same denomination named in the certificate liable to confiscation. Permission to export produce which cannot be proved to have paid its transit dues will be refused by the customs until the transit dues shall have been paid. Penalty for violation of these rules.

RULE VIII.

Trade with the capital.

Trade with the capital. It is agreed that no citizen of the United States shall have the privilege of entering the capital city of Peking for the purposes of trade.

RULE IX.

Abolition of the meltage fee.

It is agreed that the percentage of one tael, two mace hitherto charged, in excess of duty payments, to defray the expenses of melting by the Chinese Government, shall no longer be levied on citizens of the United States.

Meltage fee.

RULE X.

Collection of duties under one system at all ports.

It being, by treaty, at the option of the Chinese Government to adopt what means appear to it best suited to protect its revenue accruing on American trade, it is agreed that one uniform system shall be enforced at every port.

Collection of duties.

The high officer appointed by the Chinese Government to superintend foreign trade will accordingly, from time to time, either himself visit, or will send a deputy to visit, the different ports. The said high officer will be at liberty of his own choice, independently of the suggestion or nomination of any American authority, to select any citizen of the United States he may see fit to aid him in the administration of the customs revenue, in the prevention of smuggling, in the definition of port boundaries, or in discharging the duties of harbor-master; also in the distribution of lights, buoys, beacons, and the like, the maintenance of which shall be provided for out of the tonnage dues.

Smuggling.

Lights, beacons, &c

The Chinese Government will adopt what measures it shall find requisite to prevent smuggling up the Yang-tsz-Kiang, when that river shall be open to trade.

[SEAL.] WILLIAM B. REED.

CONVENTION BETWEEN THE UNITED STATES AND CHINA FOR THE ADJUSTMENT OF CLAIMS, CONCLUDED NOVEMBER 8, 1858.

Preamble. In order to carry into effect the convention made at Tien-tsin by the High Commissioners and Plenipotentiaries respectively representing the United States of America and the Ta Tsing Empire, for the satisfaction of claims of American citizens, by which it was agreed that one-fifth of all tonnage, import and export duties, payable on American ships and goods shipped in American vessels at the ports of Canton, Shanghai, and Fuh-chau, to an amount not exceeding six hundred thousand taels, should be applied to that end; and the Plenipotentiary of the United States, actuated by a friendly feeling towards China, is willing, on behalf of the United States, to reduce the amount needed for such claims to an aggregate of five hundred thousand taels, it is now expressly agreed by the high contracting parties in the form of a supplementary convention, as follows:

ARTICLE I.

Liquidation of all claims of American citizens. That on the first day of the next Chinese year the collectors of customs at the said three ports shall issue debentures to the amount of five hundred thousand taels, to be delivered to such persons as may be named by the Minister or chief diplomatic officer of the United States in China, and it is agreed that the amount shall be distributed as follows: Three hundred thousand taels at Canton, one hundred thousand taels at Shanghai, and one hundred thousand taels at Fuh-chau, which shall be received in payment of one

fifth of the tonnage, export and import duties on American ships, or goods in American ships at the said ports, and it is agreed that this amount shall be in full liquidation of all claims of American citizens at the various ports to this date.

In faith whereof the respective Plenipotentiaries of the United States of America and of the Ta Tsing Empire, that is to say, on the part of the United States, William B. Reed, Envoy Extraordinary and Minister Plenipotentiary, and on the part of the Ta Tsing Empire, Kweiliang, a member of the Privy Council, Captain-General of the Plain White Banner Division of the Manchu Bannermen and Superintendent of the Board of Punishments; and Hwashana, Classical Reader at Banquets, President of the Board of Civil Office, Captain-General of the Bordered Blue Banner Division of the Chinese Bannermen, both of them Plenipotentiaries, with Ho-Kwei-tsing, Governor-General of the two Kiang Provinces, President of the Board of War, and Guardian of the Heir-Apparent; Mingshen, President of the Ordnance Office of the Imperial Household, with the Insignia of the Second Grade; and Twan, a titular President of the Fifth Grade, member of the Establishment of the General Council, and one of the junior under Secretaries of the Board of Punishments, all of them special Imperial Commissioners deputed for the purpose, have signed and sealed these presents. Contracting parties.

Done at Shanghai, this eighth day of November, in the year of our Lord one thousand eight hundred and fifty-eight, and of the Independence of the United States the eighty-third, and in the eighth year of Heinfung, the tenth month and third day.

[SEAL.] WILLIAM B. REED.

[SEAL.] KWEILIANG. HWASHANA. HO-KWEI-TSING. MINGSHEN. TWAN.

CHINA, 1868.

ADDITIONAL ARTICLES TO THE TREATY BETWEEN THE UNITED STATES AND CHINA, OF JUNE 18, 1858; CONCLUDED JULY 28, 1868; RATIFICATIONS EXCHANGED AT PEKING, NOVEMBER 23, 1869.

Additional articles to the treaty between the United States of America and the Ta Tsing Empire of the 18th of June, 1858.

Whereas since the conclusion of the treaty between the United States of America and the Ta Tsing Empire (China) of the 18th of June, 1858, circumstances have arisen showing the necessity of additional articles thereto, the President of the United States and the August Sovereign of the Ta Tsing Empire, have named for their Plenipotentiaries to wit: The President of the United States of America, William H. Seward, Secretary of State, and His Majesty the Emperor of China, Anson Burlingame, accredited as his Envoy Extraordinary and Minister Plenipotentiary, and Chih-Kang and Sun Chia-Ku, of the second Chinese rank, associated High Envoys and Ministers of his said Majesty; and the said Plenipotentiaries, after having exchanged their full powers, found to be in due and proper form, have agreed upon the following articles:

ARTICLE I.

Case of war.

His Majesty the Emperor of China, being of the opinion that, in making concessions to the citizens or subjects of foreign powers of the privilege of residing on certain tracts of land, or resorting to certain waters of that empire for purposes of trade, he has by no means relinquished his right of eminent domain or dominion over the said land and waters, hereby agrees that no such concession or grant shall be construed to give to any power or party which may be at war with or hostile to the United States the right to attack the citizens of the United States or their property within the said lands or waters. And the United States, for themselves, hereby agree to abstain from offensively attacking the citizens or subjects of any power or party or their property with which they may be at war on any such tract of land or waters of the said empire. But nothing in this article shall be construed to prevent the United States from resisting an attack by any hostile power or party upon their citizens or their property. It is further agreed that if any right or interest in any tract of land in China has been or shall hereafter be granted by the Government of China to the United States or their citizens for purposes of trade or commerce, that grant shall in no event be construed to divest the Chinese authorities of their right of jurisdiction over persons and property within said tract of land, except so far as that right may have been expressly relinquished by treaty.

ARTICLE II.

The United States of America and His Majesty the Emperor of China, believing that the safety and prosperity of commerce will thereby best be promoted, agree that any privilege or immunity in respect to trade or navigation within the Chinese dominions which may not have been stipulated for by treaty, shall be subject to the discretion of the Chinese Government and may be regulated by it accordingly, but not in a manner or spirit incompatible with the treaty stipulations of the parties.

ARTICLE III.

Consuls, &c.

The Emperor of China shall have the right to appoint Consuls at ports of the United States, who shall enjoy the same privileges and immunities as those which are enjoyed by public law and treaty in the United States by the Consuls of Great Britain and Russia, or either of them.

ARTICLE IV.

Liberty of conscience.

The 29th article of the treaty of the 18th of June, 1858, having stipulated for the exemption of Christian citizens of the United States and Chinese converts from persecutions in China on account of their faith, it is further agreed that citizens of the United States in China of every religious persuasion, and Chinese subjects in the United States, shall enjoy entire liberty of conscience, and shall be exempt from all disability or persecution on account of their religious faith or worship in either country. Cemeteries for sepulture of the dead, of whatever nativity or nationality, shall be held in respect and free from disturbance or profanation.

ARTICLE V.

The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from the one country to the other for purposes of curiosity, of trade, or as permanent residents. The high contracting parties therefore join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offence for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country without their free and voluntary consent, respectively.

Free emigration only permitted.

ARTICLE VI.

Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation; and, reciprocally, Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon the subjects of China in the United States.

Most favored nation.

ARTICLE VII.

Citizens of the United States shall enjoy all the privileges of the public educational institutions under the control of the Government of China; and, reciprocally, Chinese subjects shall enjoy all the privileges of the public educational institutions under the control of the Government of the United States, which are enjoyed in the respective countries by the citizens or subjects of the most favored nation. The citizens of the United States may freely establish and maintain schools within the Empire of China at those places where foreigners are by treaty permitted to reside; and reciprocally, Chinese subjects may enjoy the same privileges and immunities in the United States.

Education.

ARTICLE VIII.

The United States, always disclaiming and discouraging all practices of unnecessary dictation and intervention by one nation in the affairs or domestic administration of another, do hereby freely disclaim and disavow any intention or right to intervene in the domestic administration of China in regard to the construction of railroads, telegraphs, or other material internal improvements. On the other hand, His Majesty the Emperor of China reserves to himself the right to decide the time and manner and circumstances of introducing such improvements within his dominions. With this mutual understanding, it is agreed by the contracting parties that if at any time hereafter His Imperial Majesty shall determine to construct or cause to be constructed works of the character mentioned, within the empire, and

Intervention.

shall make application to the United States or any other western power for facilities to carry out that policy, the United States will, in that case, designate and authorize suitable engineers to be employed by the Chinese Government, and will recommend to other nations an equal compliance with such application, the Chinese Government in that case protecting such engineers in their persons and property and paying them a reasonable compensation for their service.

In faith whereof the respective Plenipotentiaries have signed this treaty and thereto affixed the seals of their arms.

Done at Washington the twenty-eight day of July, in the year of our Lord one thousand eight hundred and sixty-eight.

[SEAL.] WILLIAM H. SEWARD.
ANSON BURLINGAME.
[SEAL.] CHIH-KANG.
SUN CHIA-KU.

COLOMBIA.

COLOMBIA, 1824.

GENERAL CONVENTION OF PEACE, AMITY, NAVIGATION, AND COMMERCE, BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF COLOMBIA, CONCLUDED OCTOBER 3, 1824; RATIFIED MAY 27, 1825; PROCLAIMED MAY 31, 1825.

[This treaty terminated by its own limitation October 3, 1836.]

[The Republic of Columbia was divided in November, 1831, into the three independent republics of New Granada, Venezuela, and Ecuador. In 1862 New Granada changed its name to the United States of Colombia.]

In the name of God, Author and Legislator of the Universe.

Object of the treaty.

The United States of America, and the Republic of Colombia, desiring to make lasting and firm the friendship and good understanding which happily prevails between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall in future be religiously observed between the one and the other, by means of a treaty or general convention of peace, friendship, commerce, and navigation.

For this most desirable object, the President of the United States of America has conferred full powers on Richard Clough Anderson, junior, a citizen of the said States, and their Minister Plenipotentiary to the said Republic; and the Vice-President of the Republic of Colombia, charged with the executive power, on Pedro Gual, Secretary of State and of Foreign Relations, who, after having exchanged their said full powers in due and proper form, have agreed to the following articles:

ARTICLE I.

Peace.

There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic of Colombia, in all the extent of their possessions and territories, and between their people and citizens respectively, without distinction of persons or places.

ARTICLE II.

Common favors.

The United States of America and the Republic of Colombia desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely if the concession was freely made, or on allowing the same compensation if the concession was conditional.

ARTICLE III.

Citizens of the United States at liberty to frequent all the coasts and countries of the republic of Colombia, and vice versa.

The citizens of the United States may frequent all the coasts and countries of the Republic of Colombia, and reside and trade there, in all sorts of produce, manufactures, and merchandise, and shall pay no other or greater duties, charges, or fees whatsoever, than the most favored nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce which the most

favored nation does or shall enjoy, submitting themselves, nevertheless, to the laws, decrees, and usages there established, and to which are submitted the subjects and citizens of the most favored nations.

In like manner the citizens of the Republic of Colombia may frequent all the coasts and countries of the United States, and reside and trade there, in all sorts of produce, manufactures, and merchandise, and shall pay no other or greater duties, charges, or fees whatsoever than the most favored nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce, which the most favored nation does or shall enjoy, submitting themselves, nevertheless, to the laws, decrees, and usages there established, and to which are submitted the subjects and citizens of the most favored nations.

ARTICLE IV.

Business relations between foreigners.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries, to manage themselves their own business in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise by wholesale or retail, as with respect to the loading, unloading, and sending off their ships, they being in all these cases to be treated as citizens of the country in which they reside, or at least to be placed on a footing with the subjects or citizens of the most favored nation.

ARTICLE V.

Embargo.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandises, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

ARTICLE VI.

Asylum.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other, with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates, or enemies, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

ARTICLE VII.

Goods captured by privateers.

All the ships, merchandise, and effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions, of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals; it being well understood that the claim should be made within the term of one year by the parties themselves, their attorneys, or agents of the respective Governments.

ARTICLE VIII.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts, or within the dominions of the other, there shall be given to them all assistance and protection in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandises and effects, without exacting for it any duty, impost, or contribution whatever, until they may be exported.

Wrecks.

ARTICLE IX.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country, wherein the said goods are, shall be subject to pay in like cases. And if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance, on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation, and exempt from all rights of detraction, on the part of the government of the respective States.

Estates of deceased aliens.

ARTICLE X.

Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary, with the natives or citizens of the country in which they may be; for which they may employ in defence of their rights such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals, in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

Protection and judicial privileges of aliens.

ARTICLE XI.

It is likewise agreed that the most perfect and entire security of conscience shall be enjoyed by the citizens of both the contracting parties in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and establised usages of the country. Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying grounds, or in other decent and suitable places, and shall be protected from violation or disturbance.

Liberty of religious belief. Burials.

ARTICLE XII.

Neutral trade.

It shall be lawful for the citizens of the United States of America and of the Republic of Colombia to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandises laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandises before mentioned, and to trade with the same liberty and security from the places, ports, and havens, of those who are enemies of both or either party, without any op[p]osition or disturbance whatsoever, not only directly from the places of the enemy, before mentioned, to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several. And it is hereby stipulated that free ships shall also give freedom to goods, and that everything shall be deemed to be free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that, although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers or soldiers, and in the actual service of the enemies: Provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognized this principle; but if either of the two contracting parties shall be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

ARTICLE XIII.

Neutral flag.

It is likewise agreed that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemies' vessels shall be held and considered as enemies' property, and, as such, shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterward, if it were done without the knowledge of it; but the contracting parties agree, that two months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandise, of the neutral, embarked in such enemy's ship, shall be free.

ARTICLE XIV.

Contraband.

This liberty of navigation and commerce shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended—

First. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, hal-

berds, and granades, bombs, powder, matches, balls, and all other things belonging to the use of these arms;

Secondly. Bucklers, helmets, breast-plates, coats of mail, infantry belts, and clothes made up in the form and for a military use;

Thirdly. Cavalry belts, and horses with their furniture;

Fourthly. And generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed expressly to make war by sea or land.

ARTICLE XV.

Blockade.

All other merchandises and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blocked up; and, to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

ARTICLE XVI.

Vessels carrying contraband.

The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk that they cannot be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

ARTICLE XVII.

Vessels trading with blockade ports.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from the commanding officer of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either, that may have entered into such port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo, nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ARTICLE XVIII.

Visit and search of neutral vessels.

In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually that whenever a vessel of war, public or private, shall meet with a neutral of the other

contracting party, the first shall remain out of cannon shot, and may send its boat with two or three men only in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, for which the commanders of the said armed ships shall be responsible with their persons and property; for which purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting her papers, or for any other purpose whatever.

ARTICLE XIX.

Sea-letters for neutral vessels.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens of one of the parties; they have likewise agreed that such ships being laden, besides the said sea-letters or passports, shall also be provided with certificates containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed in the accustomed form; without which requisites said vessel may be detained to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be satisfied or supplied by testimony entirely equivalent.

ARTICLE XX.

Neutral vessels under convoy.

It is further agreed, that the stipulations above expressed relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and, when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ARTICLE XXI.

Prize-court.

It is further agreed, that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either party shall pronounce judgment against any vessel or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motive on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

ARTICLE XXII.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission, or letter of marque, for the purpose of assisting or co-operating hostilely with the said enemy against the said party so at war, under the pain of being treated as a pirate.

Employment of persons in enemy's service.

ARTICE XXIII.

If by any fatality, which cannot be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations who may be established in the territories or dominions of the United States, and of the Republic of Colombia, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

Domiciled aliens in time of war.

ARTICLE XXIV.

Neither the debts due from individuals of the one nation to the individuals of the other, nor shares, nor moneys, which they may have in public funds, nor in public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

Debts in time of war.

ARTICLE XXV.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the envoys, ministers, and other public agents the same favors, immunities, and exemptions which those of the most favored nation do or shall enjoy; it being understood that whatever favors, immunities, or privileges the United States of America or the Republic of Colombia may find it proper to give to the ministers and public agents of any other power, shall by the same act be extended to those of each of the contracting parties.

Privileges of most favored nations.

ARTICLE XXVI.

To make more effectual the protection which the United States and the Republic of Colombia shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Vice Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls may not seem convenient.

Consuls.

ARTICLE XXVII.

Exequatur.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates, and inhabitants in the consular district in which they reside.

ARTICLE XXVIII.

Exemption of Consuls.

It is likewise agreed that the Consuls, their secretaries, officers, and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce, or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside are subject, being in everything besides subject to the laws of the respective States. The archives and papers of the Consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

ARTICLE XXIX.

Consuls' privileges as to deserters.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers, of the vessel's or ship's roll, or other public documents, that those men were part of the said crews; and on this demand so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said Consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ARTICLE XXX.

Consular convention.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

ARTICLE XXXI.

The United States of America and the Republic of Colombia, desiring to make as durable as circumstances will permit the relations which are to be established between the two parties by virtue of this treaty, or

general convention of peace, amity, commerce, and navigation, have declared solemnly, and do agree to the following points:

First. The present treaty shall remain in full force and virtue for the term of twelve years, to be counted from the day of the exchange of the ratifications, in all the parts relating to commerce and navigation; and in all those parts which relate to peace and friendship, it shall be permanently and perpetually binding on both powers; Duration of treaty.

Secondly. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizen shall be held personally responsible for the same, and the harmony and good correspondence between the two nations shall not be interrupted thereby, each party engaging in no way to protect the offender, or sanction such violation; Infringement of treaty.

Thirdly. If, (what, indeed, cannot be expected,) unfortunately, any of the articles contained in the present treaty shall be violated or infringed in any other way whatever, it is expressly stipulated that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed;

Fourthly. Nothing in this treaty contained shall, however, be construed or operate contrary to former and existing public treaties with other Sovereigns or States.

The present treaty of peace, amity, commerce, and navigation shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Colombia, with the consent and approbation of the Congress of the same, and the ratifications shall be exchanged in the city of Washington within eight months, to be counted from the date of the signature hereof, or sooner, if possible.

In faith whereof, we, the Plenipotentiaries of the United States of America and of the Republic of Colombia, have signed and sealed these presents.

Done in the city of Bogota, on the third day of October, in the year of our Lord one thousand eight hundred and twenty-four, in the forty-ninth year of the Independence of the United States of America, and the fourteenth of that of the Republic of Colombia.

[SEAL.] RICHARD CLOUGH ANDERSON, JR.
[SEAL.] PEDRO GUAL.

NEW GRANADA, 1846.

TREATY WITH NEW GRANADA CONCLUDED DECEMBER 12, 1846; PROCLAIMED JUNE 12, 1848.

[On the 23d of April, 1867, the Minister at Washington of the United States of Colombia submitted to the Secretary of State the draught of a new treaty, modifying in some particulars that of December 12, 1846. See second and third clauses of Article XXXV *infra*.]

A general treaty of peace, amity, navigation, and commerce between the United States of America and the Republic of New Granada.

The United States of North America and the Republic of New Granada, in South America, desiring to make lasting and firm the friendship and good understanding which happily exist between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall in future be religiously observed between each other, by means of a treaty, or general convention of peace and friendship, commerce and navigation.

For this desirable object the President of the United States of America has conferred full powers on Benjamin A. Bidlack, a citizen of the said States, and their Chargé d'Affaires in Bogota; and the President of the Republic of New Granada has conferred similar and equal powers upon Manuel Maria Mallarino, Secretary of State and Foreign Relations; who, after having exchanged their said full powers in due form, have agreed to the following articles:

ARTCLE I.

Peace declared.

There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic of New Granada, in all the extent of their possessions and territories, and between their citizens respectively, without distinction of persons or places.

ARTICLE II.

Reciprocity of commercial favors.

The United States of America and the Republic of New Granada, desiring to live in peace and harmony with all the nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

ARTICLE III.

Domiciled aliens' privileges.

The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside and trade there, in all kinds of produce, manufactures, and merchandise; and that they shall enjoy all the rights, privileges, and exemptions, in navigation and commerce, which native citizens do or shall enjoy, submitting themselves to the laws, decrees, and usages there established, to which native citizens are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties, respectively, according to their own separate laws.

ARTICLE IV.

Reciprocity in import and tonnage duties.

They likewise agree that whatever kind of produce, manufacture, or merchandise of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may be also imported in vessels of the Republic of New Granada; and that no higher or other duties upon the tonnage of

the vessel and her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other. And, in like manner, that whatever kind of produce, manufactures, or merchandise of any foreign country can be from time to time lawfully imported into the Republic of New Granada in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or the other.

Drawbacks.

And they further agree, that whatever may be lawfully exported or re-exported from the one country in its own vessels to any foreign country, may in like manner be exported or re-exported in the vessels of the other country; and the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of the Republic of New Granada.

ARTICLE V.

Customs duties.

No higher or other duties shall be imposed on the importation into the United States of any articles the produce or manufacture of the Republic of New Granada, and no higher or other duties shall be imposed on the importation into the Republic of New Granada of any articles the produce or manufactures of the United States, than are or shall be payable on the like articles, being the produce or manufactures of any other foreign country; nor shall any higher or other duties or charges be imposed, in either of the two countries, on the exportation of any articles to the United States or to the Republic o New Granada, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles the produce or manufactures of the United States or of the Republic of New Granada, to or from the territories of the United States or to or from the territories of the Republic of New Granada, which shall not equally extend to all other nations.

ARTICLE VI.

Reciprocal application of Articles IV, V, VI.

In order to prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the three preceding articles are to their full extent ap[p]licable to the vessels of the United States and their cargoes arriving in the ports of New Granada, and reciprocally to the vessels of the said Republic of New Granada and their cargoes arriving in the ports of the United States, whether they proceed from the ports of the country to which they respectively belong, or from the ports of any other foreign country; and in either case, no discriminating duty shall be imposed or collected in the ports of either country on said vessels or their cargoes, whether the same shall be of native or foreign produce or manufacture.

ARTICLE VII.

Privileges of alien merchants.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries, to manage, by themselves or agents, their own business in all the ports and places subject to the jurisdiction of each other, as well

with respect to the consignments and sale of their goods and merchandise by wholesale or retail, as with respect to the loading, unloading, and sending off their ships; they being, in all these cases, to be treated as citizens of the country in which they reside, or at least to be placed on an equality with the subjects or citizens of the most favored nation.

ARTICLE VIII.

Embargo.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained, with their vessels, cargoes, merchandise, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested an equitable and sufficient indemnification.

ARTICLE IX.

Asylum.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or assylum in the rivers, bays, ports, or dominions of the other with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, or want of provisions, or water, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind, or the payment of port fees, or any charges other than pilotage, except such vessels continue in port longer than forty-eight hours, counting from the time they cast anchor in port.

ARTICLE X.

Alien property carried or found.

All the ships, merchandise, and effects, belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals; it being well understood that the claim shall be made within the term of one year by the parties themselves, their attorneys or agents, of their respective governments.

ARTICLE XI.

Wrecks.

When any vessels belonging to the citizens of either of the contracting parties shall be wrecked or foundered, or shall suffer any damage on the coasts, or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens; permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost, or contribution whatever, unless they may be destined for consumption or sale in the country of the port where they may have been disembarked.

ARTICLE XII.

Estates.

The citizens of each of the contracting parties shall have power to dispose of their personal goods or real estate within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their representatives, being citizens of the other party, shall

succeed to their said personal goods or real estate, whether by testament or ab intestato, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein said goods are shall be subject to pay in like cases.

Article XIII.

Protection; judicial privileges for aliens' property.

Both contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country; for which purpose, they may either appear in proper person, or employ in the prosecution or defense of their rights such advocates, solicitors, notaries, agents, and factors as they may judge proper in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions or sentences of the tribunals, in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

Article XIV.

Liberty of conscience

The citizens of the United States residing in the territories of the Republic of New Granada shall enjoy the most perfect and entire security of conscience, without being annoyed, prevented, or disturbed on account of their religious belief. Neither shall they be annoyed, molested, or disturbed on the proper exercise of their religion in private houses, or on the chapels or places of worship appointed for that purpose, provided that in so doing they observe the decorum due to divine worship and the respect due to the laws, usages, and customs of the country. Liberty shall also be granted to bury the citizens of the United States, who may die in the territories of the Republic of New Granada, in convenient and adequate places, to be appointed and established by themselves for that purpose, with the knowledge of the local authorities, or in such other places of sepulture as may be chosen by the friends of the deceased; nor shall the funerals or sepulchres of the dead be disturbed in anywise, nor upon any account.

In like manner, the citizens of New Granada shall enjoy, within the Government and territories of the United States, a perfect and unrestrained liberty of conscience, and of exercising their religion, publicly or privately, within their own dwelling-houses, or on the chapels and places of worship appointed for that purpose, agreeably to the laws, usages, and customs of the United States.

Article XV.

Neutrals' privileges.

It shall be lawful for the citizens of the United States of America and of the Republic of New Granada to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise before mentioned,

and to trade with the same liberty and security from the places, ports, and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several. And it is hereby stipulated that free ships shall also give freedom to goods, and that everything which shall be found on board the ships belonging to the citizens of either of the contracting parties shall be deemed to be free and exempt, although the whole lading or any part thereof should appertain to the enemies of either, (contraband goods being always excepted.) It is also agreed, in like manner, that the same liberty shall be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship unless they are officers and soldiers, and in the actual service of the enemies: Provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognize this principle; but if either of the two contracting parties shall be at war with a third, and the other remains neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

Article XVI.

Neutral flag.

It is likewise agreed that, in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterward, if it were done without the knowledge of it; but the contracting parties agree that, two months having elapsed after the declaration of war, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandise of the neutral embarked on such enemy's ship shall be free.

Article XVII.

Contraband.

This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband; and under this name of contraband, or prohibited goods, shall be comprehended—

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2d. Bucklers, helmets, breast-plates, coats of mail, infantry belts, and clothes made up in the form and for the military use.

3d. Cavalry belts, and horses with their furniture.

4th. And generally all kind of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed expressly to make war by sea or land.

5th. Provisions that are imported into a besieged or blockaded place.

ARTICLE XVIII.

All other merchandise, and things not comprehended in the articles of contraband, explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by the citizens of both the contracting parties, even to places belonging to an enemy, excepting those places only which are at that time besieged or blockaded; and, to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

Articles not contraband; blockaded ports.

ARTICLE XIX.

The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessels will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk that they cannot be received on board the capturing ship without great inconvenience; but in this and all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

Captured vessels laden with contraband.

ARTICLE XX.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is besieged, or blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained. nor shall any part of her cargo, if not contraband, be confiscated unless, after warning of such blockade or investment from the commanding officer of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel that may have entered into such port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting that place with her cargo; nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

Blockaded ports.

ARTICLE XXI.

In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually that whenever a national vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon shot, unless in stress of weather, and may send its boat with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, for which the commanders of said armed

Visit of neutral vessels.

ships shall be responsible with their persons and property; for which purpose the commanders of private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting her papers, or for any other purpose whatever.

ARTICLE XXII.

Sea-letters in time of war.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do hereby agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master and commander of the said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens of one of the parties; they have likewise agreed that when such ships have a cargo, they shall also be provided, besides the said sea-letters or passports, with certificates containing the several particulars of the cargo and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods are on board the same; which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without which requisites said vessel may be detained, to be adjudged by the competent tribunal, and may be declared lawful prize, unless the said defect shall be proved to be owing to accident and shall be satisfied or supplied by testimony entirely equivalent.

ARTICLE XXIII.

Neutral vessels under convoy.

It is further agreed that the stipulations above expressed relative to the visiting and examination of vessels shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and when they may be bound to an enemy's port that they have no contraband goods on board, shall be sufficient.

ARTICLE XXIV.

Prize courts.

It is further agreed that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunals of either party shall pronounce judgment against any vessel, or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives upon which the same shall have been founded, and an authenticated copy of the sentence or decree and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel without any delay, he paying the legal fees for the same.

ARTICLE XXV.

Restriction of hostilities to commissioned persons.

For the purpose of lessening the evils of war, the two high contracting parties further agree that, in case a war should unfortunately take place between them, hostilities shall only be carried on by persons duly commissioned by the Government, and by those under their orders, except in repelling an attack or invasion, and in the defense of property.

ARTICLE XXVI.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission or letter of marque for the purpose of assisting or co-operating hostilely with the said enemy against the said parties so at war, under the pain of being treated as a pirate.

Citizens in service of enemy.

ARTICLE XXVII.

If by any fatality, which cannot be expected, and God forbid, the two contracting parties should be engaged in a war with each other, they have agreed and do agree now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe-conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations who may be established in the territories or dominions of the United States or of New Granada, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to *forfitt* [forfeit] this protection, which, in consideration of humanity, the contracting parties engage to give them.

Settlement of business in declaration of war.

ARTICLE XXVIII.

Neither the debts due from individuals of the one nation to the individuals of the other, nor shares, nor money, which they may have in public funds nor in public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

Debts exempt from confiscation.

ARTICLE XXIX.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the envoys, ministers, and other public agents the same favors, immunities, and exemptions which those of the most favored nations do or shall enjoy; it being understood that whatever favors, immunities, or privileges the United States of America or the Republic of New Granada may find it proper to give to the ministers and public agents of any other power, shall by the same act be extended to those of each of the contracting parties.

Favored nation clause.

ARTICLE XXX.

To make mor[e] effectual the protection which the United States and the Republic of New Granada shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls may not seem convenient.

Admission of Consuls.

ARTICLE XXXI.

Consuls' exequatur.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates, and inhabitants in the consular district in which they reside.

ARTICLE XXXII.

Exemption of Consuls.

It is likewise agreed that the Consuls, their secretaries, officers, and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all public service; and also from all kind of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside are subject, being in everything besides subject to the laws of the respective States. The archives and papers of the consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

ARTICLE XXXIII.

Deserters.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country; and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand in writing the said deserters, proving, by an exhibition of the registers of the vessels or ship's roll or other public documents, that those men were part of the said crews; and on this demand so proved, (saving, however, where the contrary is proved by other testimonies,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said Consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the ships to which they belonged or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ARTICLE XXXIV.

Consular convention.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree to form, as soon hereafter as circumstances will permit, a consular convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

ARTICLE XXXV.

The United States of America and the Republic of New Granada, desiring to make as durable as possible the relations which are to be established between the two parties by virtue of this treaty, have declared solemnly, and do agree to the following points:

1st. For the better understanding of the preceding articles, it is and has been stipulated between the high contracting parties, that the citizens, vessels, and merchandise of the United States shall enjoy in the ports of New Granada, including those of the part of the Granadian territory generally denominated Isthmus of Panama, from its southernmost extremity until the boundary of Costa Rica, all the exemptions, privileges, and immunities concerning commerce and navigation, which are now or may hereafter be enjoyed by Granadian citizens, their vessels, and merchandise; and that this equality of favors shall be made to extend to the passengers, correspondence, and merchandise of the United States, in their transit across the said territory, from one sea to the other. The Government of New Granada guarantees to the Government of the United States that the right of way or transit across the Isthmus of Panama upon any modes of communication that now exist, or that may be hereafter constructed, shall be open and free to the Government and citizens of the United States, and for the transportation of any articles of produce, manufactures, or merchandise, of lawful commerce, belonging to the citizens of the United States; that no other tolls or charges shall be levied or collected upon the citizens of the United States, or their said merchandise thus passing over any road or canal that may be made by the Government of New Granada, or by the authority of the same, than is, under like circumstances, levied upon and collected from the Granadian citizens; that any lawful produce, manufactures, or merchandise, belonging to citizens of the United States, thus passing from one sea to the other, in either direction, for the purpose of exportation to any other foreign country, shall not be liable to any import duties whatever; or, having paid such duties, they shall be entitled to drawback upon their exportation; nor shall the citizens of the United States be liable to any duties, tolls, or charges of any kind, to which native citizens are not subjected for thus passing the said Isthmus. And, in order to secure to themselves the tranquil and constant enjoyment of these advantages, and as an especial compensation for the said advantages, and for the favors they have acquired by the 4th, 5th, and 6th articles of this treaty, the United States guarantee, positively and efficaciously, to New Granada, by the present stipulation, the perfect neutrality of the before-mentioned isthmus, with the view that the free transit from the one to the other sea may not be interrupted or embarrassed in any future time while this treaty exists; and, in consequence, the United States also guarantee, in the same manner, the rights of sovereignty and property which New Granada has and possesses over the said territory.

Isthmus of Panama.

2d. The present treaty shall remain in full force and vigor for the term of twenty years from the day of the exchange of the ratifications; and from the same day the treaty that was concluded between the United States and Colombia, on the 13th of October, 1824, shall cease to have effect, notwithstanding what was disposed in the 1st point of its 31st article.

Duration of treaty.

3d. Notwithstanding the foregoing, if neither party notifies to the other its intention of reforming any of, or all, the articles of this treaty twelve months before the expiration of the twenty years stipulated above, the said treaty shall continue binding on both parties beyond the said twenty years, until twelve months from the time that one of the parties notifies its intention of proceeding to a reform.

Alteration of treaty.

4th. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizens shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby;

Infringement of treaty.

each party engaging in no way to protect the offender, or sanction such violation.

5th. If unfortunately any of the articles contained in this treaty should be violated or infringed in any way whatever, it is expressly stipulated that neither of the two contracting parties shall ordain or authorize any acts of reprisal, nor shall declare war against the other on complaints of injuries or damages, until the said party considering itself offended shall have laid before the other a statement of such injuries or damages, verified by competent proofs, demanding justice and satisfaction, and the same shall have been denied, in violation of the laws and of international right.

Reprisals not authorized.

6th. Any special or remarkable advantage that one or the other power may enjoy from the foregoing stipulation, are and ought to be always understood in virtue and as in compensation of the obligations they have just contracted, and which have been specified in the first number of this article.

Special advantages.

ARTICLE XXXVI.

The present treaty of peace, amity, commerce, and navigation shall be approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof; and by the President of the Republic of New Granada, with the consent and approbation of the Congress of the same; and the ratifications shall be exchanged in the city of Washington, within eighteen months from the date of the signature thereof, or sooner if possible.

In faith whereof, we, the Plenipotentiaries of the United States of America and of the Republic of New Granada, have signed and sealed these presents in the city of Bogota, on the twelfth day of December, in the year of our Lord one thousand eight hundred and forty-six.

[L. S.] B. A. BIDLACK.
[L. S.] M. M. MALLARINO.

ADDITIONAL ARTICLE.

The Republics of the United States and of New Granada will hold and admit as national ships of one or the other, all those that shall be provided by the respective Governments with a patent, issued according to its laws.

National ships.

The present additional article shall have the same force and validity as if it were inserted, word for word, in the treaty signed this day. It shall be ratified, and the ratifications shall be exchanged at the same time.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto their seals.

Done in the city of Bogota, the twelfth day of December, in the year of our Lord one thousand eight hundred and forty-six.

[L. S.] B. A. BIDLACK.
[L. S.] M. M. MALLARINO.

NEW GRANADA, 1850.

CONSULAR CONVENTION WITH NEW GRANADA, CONCLUDED MAY 4, 1850; RATIFICATIONS EXCHANGED OCTOBER 30, 1851; PROCLAIMED DECEMBER 5, 1851.

Consular Convention between the Republic of New Granada and the United States of America.

In the name of the Most Holy Trinity.

The Governments of the Republics of New Granada and the United States of America, having engaged by the thirty-fourth article of the treaty of peace, amity, navigation, and commerce, concluded on the 12th of December, 1846, to form a consular convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties, in order to comply with this article, and more effectively to protect their commerce and navigation, they have given adequate authority to their respective Plenipotentiaries, to wit: Peace, &c.

The Government of New Granada to Raphael Rivas, its Chargé d'Affaires in the United States, and the Government of the United States to John M. Clayton, Secretary of State;

Who, after the exchange and examination of their full powers, found to be sufficient and in due form, have agreed upon the following articles:

ARTICLE I.

Each of the two contracting Republics may maintain in the principal cities or com[m]ercial places of the other, and in the ports open to foreign commerce, Consuls of its own, charged with the protection of the commercial rights and interests of their nation, and to sustain their countrymen in the difficulties to which they may be exposed. They may likewise appoint Consuls-General, as chiefs over the other Consuls, or to attend to the affairs of several commercial places at the same time, and Vice-Consuls for ports of minor importance, or to act under the direction of the Consuls. Each Republic may, however, except those cities, places, or ports in which it may consider the residence of such functionaries inconvenient, such exception being common to all nations. All that is said in this convention of Consuls in general shall be considered as relating not only to Consuls, properly so called, but to Consuls General and Vice-Consuls, in all the cases to which this convention refers. Grades of Consuls.

ARTICLE II.

The Consuls, appointed by one of the contracting parties to reside in the ports or places of the other, shall present to the Government of the Republic in which they are to reside their letters-patent or commission, in order that they may receive the proper exequatur, if it be deemed expedient to give it, which shall be granted without any charge; and this exequatur, when obtained, is to be exhibited to the chief authorities of the place in which the Consul is to exercise his functions, in order that they may cause him to be recognized in his character, and that he may be sustained in his proper prerogative, in his respective consular district. The Government receiving the Consul may withdraw the exequatur or his consular commission whenever it may judge proper to do so, but in such case shall state a reasonable ground for the proceeding. Exequatur.

ARTICLE III.

The Consuls admitted in either Republic may exercise in their respective districts the following functions:

Consular privileges.

1. They may apply directly to the authorities of the district in which they reside, and they may, in case of necessity, have recourse to the National Government through the diplomatic agent of their nation, if there be any, or directly, if there be no such agent, in complaint against any infraction of the treaties of commerce committed by the authorities or persons employed by them in the country, to the injury of the commerce of the nation in whose service the Consul is engaged.

2. They may apply to the authorities of the consular district, and, in case of necessity, they may have recourse to the National Government through the diplomatic agent of their nation, if there be any, or directly, if there be no such agent, against any abuse on the part of the authorities of the country, or the persons employed by them, against individuals of their nation in whose service the Consul is engaged; and they may, when necessary, take such measures as may be proper to prevent justice from being denied to them, or delayed, and to prevent them from being judged or punished by any other than competent judges, and agreeably to the laws in force.

3. They may, as the natural defenders of their fellow-countrymen, appear in their name and behalf, whenever so requested by them, before the respective authorities of the place, in all cases in which their support may be necessary.

Manifests.

4. They may accompany the captains, mates, or masters of vessels of their nation in all that they may have to do with regard to the manifests of their merchandise and other documents, and be present in all cases in which the authorities, courts, or judges of the country may have to take any declarations from the persons above mentioned, or any other belonging to their respective crews.

Depositions.

5. They may receive depositions, protests, and statements from captains, mates, and masters of vessels of their nation respecting losses and injuries sustained at sea, and protests of any individuals of their nation respecting mercantile affairs. These documents, drawn up in authentic copies, certified by the Consul, shall be admitted in the courts and offices of justice, and shall have the same validity as if they had been authenticated before the same judges or courts.

Injuries to merchandise at sea.

6. They may determine on all matters relating to injuries sustained at sea by effects and merchandise shipped in vessels of the nation in whose service the Consul is employed arriving at the place of his residence, provided that there be no stipulations to the contrary between the shippers, owners, and insurers. But if, among the persons interested in such losses and injuries, there should be inhabitants of the country where the Consul resides, and not belonging to the nation in whose service he is, the cognizance of such losses and injuries appertains to the local authorities.

Compromise differences out of court.

7. They may compromise amicably, and out of court, the differences arising between their fellow-countrymen, provided that those persons agree voluntarily to submit to such arbitration; in which case the document containing the decision of the Consul, authenticated by himself and by his chancellor or secretary, shall have all the force of a notarial copy authenticated, so as to render it obligatory on the interested parties.

8. They may cause proper order to be maintained on board of vessels of their nation, and may decide on the disputes arising between the captains, the officers, and the members of the crew, unless the disorders taking place on board should disturb the public tranquillity, or persons not belonging to the crew or to the nation in whose service the Consul is employed; in which case the local authorities may interfere.

Decide disputes between officers and crew.

9. They may direct all the operations for saving vessels of their nation which may be wrecked on the coasts of the district where the Consul resides. In such cases the local authorities shall interfere only in order to maintain tranquillity, to give security to the interests of the parties concerned, and to cause the dispositions which should be observed for the entry and export of the property to be fulfilled. In the absence of the Consul, and until his arrival, the said authorities shall take all the measures necessary for the preservation of the effects of the wrecked vessel.

Wrecks.

10. They may take possession, make inventories, appoint appraisers to estimate the value of articles, and proceed to the sale of the movable property of individuals of their nation who may die in the country where the Consul resides without leaving executors appointed by their will or heirs-at-law. In all such proceedings, the Consul shall act in conjunction with two merchants, chosen by himself, for drawing up the said papers or delivering the property or the produce of its sales, observing the laws of his country and the orders which he may receive from his own Government; but Consuls shall not discharge these functions in those States whose peculiar legislation may not allow it. Whensoever there is no Consul in the place where the death occurs, the local authority shall take all the precautions in their power to secure the property of the deceased.

Estates.

11. They may demand from the local authorities the arrest of seamen deserting from the vessels of the nation in whose service the Consul is employed, exhibiting, if necessary, the register of the vessel, her muster-roll, and any other official document in support of this demand. The said authorities shall take such measures as may be in their power for the discovery and arrest of such deserters, and shall place them at the disposition of the Consul; but if the vessel to which they belong shall have sailed, and no opportunity for sending them away should occur, they shall be kept in arrest, at the expense of the Consul, for two months; and if, at the expiration of that time, they should not have been sent away, they shall be set at liberty by the respective authorities, and cannot again be arrested for the same cause.

Deserters.

12. They may give such documents as may be necessary for the intercourse between the two countries, and countersign those which may have been given by the authorities. They may also give bills of health, if necessary, to vessels sailing from the port where the Consul resides to the ports of the nation to which he belongs; they may also certify invoices, muster-rolls, and other papers necessary for the commerce and navigation of vessels.

Issue documents.

13. They may appoint a chancellor or secretary whensoever the consulate has none and one is required for authenticating documents.

Appointment of secretary.

14. They may appoint commercial agents to employ all the means in their power, in behalf of individuals of the nation in whose service the Consul is, and for executing the commissions which the Consul may think proper to intrust to them, out of the place of his residence; provided, however, that such agents are not to enjoy

Appointment of commercial agents.

the prerogatives conceded to Consuls, but only those which are peculiar to commercial agents.

ARTICLE IV.

Employment of good offices.

The Consuls of one of the contracting Republics residing in another country may employ their good offices in favor of individuals of the other Republic which has no Consul in that country.

ARTICLE V.

No diplomatic character in Consuls.

The contracting Republics recognize no diplomatic character in Consuls, for which reason they will not enjoy in either country the immunities granted to public agents accredited in that character; but, in order that the said Consuls may exercise their proper functions without difficulty or delay, they shall enjoy the following prerogatives:

Archives.

1. The archives and papers of the consulate shall be inviolable, and cannot be seized by any functionary of the country in which they may be.

Exemption.

2. Consuls, in all that exclusively concerns the exercise of their functions, shall be independent of the State in whose territory they reside.

3. The Consuls and their chancellors or secretaries shall be exempt from all public service, and from contributions, personal and extraordinary, imposed in the country where they reside. This exemption does not comprehend the Consuls or their chancellors or secretaries who may be natives of the country in which they reside.

Witnesses.

4. Whenever the presence of Consuls may be required in courts or offices of justice, they shall be summoned in writing.

Consular flag and dwelling.

5. In order that the dwellings of Consuls may be easily and generally known, for the convenience of those who may have to resort to them, they shall be allowed to hoist on them the flag, and to place over their doors the coat-of-arms of the nation in whose service the Consul may be, with an inscription expressing the functions discharged by him; but those insignia shall not be considered as importing a right of asylum, nor as placing the house or its inhabitants beyond the authority of the magistrates who may think proper to search them, and who shall have that right in regard to them in the same manner as with regard to the houses of the other inhabitants, in the cases prescribed by the laws.

ARTICLE VI.

Exemptions.

The persons and dwellings of Consuls shall be subject to the laws and authorities of the country in all cases in which they have not received a special exemption by this convention, and in the same manner as the other inhabitants.

ARTICLE VII.

Passports.

Consuls shall not give passports to any individual of their nation or going to their nation who may be held to answer before any authority, court, or judge of the country for delinquencies committed by them, or for a demand which may have been legally acknowledged; provided that in each case proper notice thereof shall

have been given to the Consul; and they shall see that the vessels of their nation do not infringe the rules of neutrality when the nation in which the Consul resides is at war with another nation.

ARTICLE VIII.

The present convention shall be ratified by the Governments of the two contracting Republics, and the ratifications shall be exchanged at Bogota within the term of eighteen months, counted from this date, or sooner if possible. Ratifications.

ARTICLE IX.

The present convention shall be binding upon the contracting parties so long as the treaty of peace, friendship, navigation, and commerce between the United States and New Granada, the ratifications of which were exchanged at Washington, on the tenth of June, one thousand eight hundred and forty-eight, shall remain in force. Duration of treaty.

In faith whereof we, the Plenipotentiaries of the United States and of New Granada, have signed the present, and have affixed to it our respective seals at Washington, the fourth day of May, in the year of our Lord one thousand eight hundred and fifty.

[SEAL.] JOHN M. CLAYTON.
[SEAL.] RAFAEL RIVAS.

NEW GRANADA, 1857

CLAIMS CONVENTION WITH NEW GRANADA, CONCLUDED AT WASHINGTON, SEPTEMBER 10, 1857; RATIFICATIONS EXCHANGED AT WASHINGTON, NOVEMBER 5, 1860; PROCLAIMED NOVEMBER 8, 1860.

The United States of America and the Republic of New Granada, desiring to adjust the claims of citizens of said States against New Granada, and to cement the good understanding which happily subsists between the two Republics, have, for that purpose, appointed and conferred full powers, respectively, to wit: Claims.

The President of the United States upon Lewis Cass, Secretary of State of the United States, and the President of New Granada upon General Pedro A. Herran, Envoy Extraordinary and Minister Plenipotentiary of that Republic in the United States;

Who, after exchanging their full powers, which were found in good and proper form, have agreed to the following articles:

ARTICLE I.

All claims on the part of corporations, companies, or individuals, citizens of the United States, upon the Government of New Granada, which shall have been presented prior to the 1st day of September, 1859, either to the Department of State at Washington, or to the minister of the United States at Bogota, and especially those for damages which were caused by the riot at Panama on the 15th April, 1856, for which the said Government of New Granada acknowledges its liability, arising out of its privilege and obligation to preserve Character of claims.

peace and good order along the transit route, shall be referred to a board of commissioners, consisting of two members, one of whom shall be appointed by the Government of the United States and one by the Government of New Granada. In case of the death, absence, or incapacity of either commissioner, or in the event of either commissioner omitting or ceasing to act, the Government of the United States or that of New Granada, respectively, or the Minister of the latter in the United States, acting by its direction, shall forthwith proceed to fill the vacancy thus occasioned.

Meeting of commissioners.

The commissioners so named shall meet in the city of Washington within ninety days from the exchange of the ratifications of this convention, and, before proceeding to business, shall make and subscribe a solemn oath that they will carefully examine and impartially decide, according to justice and equity, upon all the claims laid before them, under the provisions of this convention, by the Government of the United States. And such oath shall be entered on the record of their proceedings.

Arbitrator.

The commissioners shall then proceed to name an arbitrator or umpire, to decide upon any case or cases on which they may differ in opinion. And if they cannot agree in the selection, the umpire shall be appointed by the Minister of Prussia to the United States, whom the two high contracting parties shall invite to make such appointment, and whose selection shall be conclusive on both parties.

ARTICLE II.

Duty of commissioners as to claims.

The arbitrator being appointed, the commissioners shall proceed to examine and determine the claims which may be presented to them, under the provisions of this convention, by the Government of the United States, together with the evidence submitted in support of them, and shall hear, if required, one person in behalf of each Government on every separate claim. Each Government shall furnish, upon request of either of the commissioners, such papers in its possession as the commissioners may deem important to the just determination of any claims presented to them. In cases where they agree to award an indemnity, they shall determine the amount to be paid, having due regard, in claims which have grown out of the riot at Panama of April 15, 1856, to damages suffered through death, wounds, robberies, or destruction of property. In cases where they cannot agree, the subjects of difference shall be referred to the umpire, before whom each of the commissioners may be heard, and whose decision shall be final.

ARTICLE III.

Certificates of award.

The commissioners shall issue certificates of the sums to be paid by virtue of their awards to the claimants, and the aggregate amount of said sums shall be paid to the Government of the United States, at Washington, in equal semi-annual payments, the first payment to be made six months from the termination of the commission, and the whole payment to be completed within eight years from the same date; and each of said sums shall bear interest (also payable semi-annually) at the rate of six per cent. per annum from the day on which the awards, respectively, shall have been decreed. To meet these payments, the Government of New Granada hereby specially appropriates one-half of the compensation which may accrue to it from the Panama Railroad Company, in lieu of postages, by virtue of the thirtieth article

of the contract between the Republic of New Granada and said company, made April 15, 1850, and approved June 4, 1850, and also one-half of the dividends which it may receive from the net profits of said road, as provided in the fifty-fifth article of the same contract; but if these funds should prove insufficient to make the payments as above stipulated, New Granada will provide other means for that purpose.

ARTICLE IV.

The commission herein provided shall terminate its labors in nine months from and including the day of its organization; shall keep an accurate record of its proceedings, and may appoint a secretary to assist in the transaction of its business. Duration of commission.

ARTICLE V.

The proceedings of this commission shall be final and conclusive with respect to all the claims before it, and its awards shall be a full discharge to New Granada of all claims of citizens of the United States against that Republic which may have accrued prior to the signature of this convention. Proceedings final.

ARTICLE VI.

Each Government shall pay its own commissioner, but the umpire, as well as the incidental expenses of the commission, shall be paid, one-half by the United States, and the other half by New Granada. Expenses.

ARTICLE VII.

The present convention shall be ratified, and the ratifications exchanged in Washington. Ratification.

In faith whereof, we, the respective Plenipotentiaries, have signed this convention, and have hereunto affixed our seals.

Done at Washington, this tenth day of September, in the year of our Lord one thousand eight hundred and fifty-seven.

[SEAL.] LEW. CASS.
[SEAL.] P. A. HERRAN.

COLOMBIA, 1864.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED STATES OF COLOMBIA; DATED AT WASHINGTON, FEBRUARY 10, 1864; RATIFICATIONS EXCHANGED AT WASHINGTON AUGUST 19, 1865; PROCLAIMED AUGUST 19, 1865.

Whereas a convention for the adjustment of claims was concluded between the United States of America and the Republic of New Granada, in the city of Washington, on the 10th September, 1857, which convention, as afterward amended by the contracting parties, was proclaimed by the President of the United States on the 8th November, 1860;

And whereas the joint commission organized under the authority conferred by the preceding mentioned convention did fail, by reason of uncontrollable circumstances, to decide all the claims laid before them

under its provisions, within the time to which their proceedings were limited by the 4th article thereof;

Extension of time.

The United States of America and the United States of Colombia—the latter representing the late Republic of New Granada—are desirous that the time originally fixed for the duration of the commission should be so extended as to admit the examination and adjustment of such claims as were presented to but not settled by the joint commission aforesaid, and to this end have named Plenipotentiaries to agree upon the best mode of acccomplishing this object, that is to say: The President of the United States of America, William H. Seward, Secretary of State of the United States of America, and the President of the United States of Colombia, Señor Manuel Murillo, Envoy Extraordinary and Minister Plenipotentiary of the United States of Colombia;

Who, having exchanged their full powers, have agreed as follows:

ARTICLE I.

Extension for nine months.

The high contracting parties agree that the time limited in the convention above referred to for the termination of the commission, shall be extended for a period not exceeding nine months from the exchange of ratifications of this convention, it being agreed that nothing in this article contained shall in any other wise alter the provisions of the convention above referred to; and that the contracting parties shall appoint commissioners anew, and an umpire shall be chosen anew, in the manner and with the duties and powers respectively expressed in the said former convention.

ARTICLE II.

Ratifications

The present convention shall be ratified, and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have hereunto affixed their seals.

Done at Washington this tenth day of February, in the year of our Lord one thousand eight hundred and sixty-four.

[SEAL.] WM. H. SEWARD.
[SEAL.] M. MURILLO.

COSTA RICA.

COSTA RICA, 1851.

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION, BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF COSTA RICA. CONCLUDED JULY 10, 1851. RATIFICATIONS EXCHANGED MAY 26, 1852. PROCLAIMED ON THE SAME DAY.

In the name of the Most Holy Trinity.

Commercial intercourse having been for some time established between the United States and the Republic of Costa Rica, it seems good for the security as well as the encouragement of such commercial intercourse, and for the maintenance of good understanding between the United States and the said Republic, that the relations now subsisting between them should be regularly acknowledged and confirmed by the signature of a treaty of amity, commerce, and navigation. For this purpose they have named their respective plenipotentiaries, that is to say: Preamble.

The President of the United States, Daniel Webster, Secretary of State, and his Excellency the President of the Republic of Costa Rica, Señor Don Felipe Molina, Envoy Extraordinary and Minister Plenipotentiary of that Republic to the United States; Negotiators.

Who, after having communicated to each other their full powers, found to be in due and proper form, have agreed upon and concluded the following articles:

ARTICLE I.

There shall be perpetual amity between the United States and their citizens on the one part, and the Government of the Republic of Costa Rica and its citizens on the other. State of amity to exist.

ARTICLE II.

There shall be, between all the territories of the United States and the territories of the Republic of Costa Rica a reciprocal freedom of commerce. The subjects and citizens of the two countries, respectively, shall have liberty, freely and securely, to come with their ships and cargoes to all places, ports, and rivers in the territories aforesaid, to which other foreigners are or may be permitted to come; to enter into the same, and to remain and reside in any part thereof, respectively; also to hire and occupy houses and warehouses for the purposes of their commerce; and, generally, the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce; subject always to the laws and statutes of the two countries respectively. Reciprocal freedom of commerce, except as to coasting trade.

In like manner, the respective ships of war and post-office packets of the two countries shall have liberty, freely and securely, to come to all harbors, rivers, and places to which other foreign ships of war and

packets are or may be permitted to come, to enter into the same, to anchor, and to remain there and refit; subject always to the laws and statutes of the two countries respectively.

By the right of entering the places, ports, and rivers mentioned in this article, the privilege of carrying on the coasting trade is not understood; in which trade, national vessels only of the country where the trade is carried on are permitted to engagé.

ARTICLE III.

Privileges of the "most favored nation" mutually conceded.

It being the intention of the two high contracting parties to bind themselves, by the preceding articles, to treat each other on the footing of the most favored nation, it is hereby agreed between them, that any favor, privilege, or immunity whatever, in matters of commerce and navigation, which either contracting party has actually granted, or may hereafter grant, to the subjects or citizens of any other state, shall be extended to the subjects or citizens of the other high contracting party, gratuitously, if the concession in favor of that other nation shall have been gratuitous; or in return for a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concessions shall have been conditional.

ARTICLE IV.

Commercial provisions.

Discriminating duties.

No higher nor other duties shall be imposed on the importation into the territories of the United States of any article being of the growth, produce, or manufacture of the Republic of Costa Rica, and no higher or other duties shall be imposed on the importation into the territories of the Republic of Costa Rica of any articles being the growth, produce, or manufacture of the territories of the United States, than are or shall be payable on the like articles, being the growth, produce, or manufacture of any other foreign country; nor shall any other or higher duties or charges be imposed in the territories of either of the high contracting parties, on the exportation of any articles to the territories of the other, than such as are or may be payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed upon the exportation or importation of any articles the growth, produce, or manufacture of the territories of the United States, or of the Republic of Costa Rica, to or from the said territories of the United States, or to or from the Republic of Costa Rica, which shall not equally extend to all other nations.

ARTICLE V.

Tonnage duties and other local charges, in case of wreck or damage.

No higher nor other duties or payments on account of tonnage, of light or harbor dues, of pilotage, of salvage, in case either of damage or shipwreck, or on account of any other local charges, shall be imposed in any of the ports of the Republic of Costa Rica, on vessels of the United States, than those payable in the same ports by Costa Rican vessels; nor in any of the ports of the United States, on Costa Rican vessels, than shall be payable in the same ports on vessels of the United States.

ARTICLE VI.

The same duties shall be paid on the importation into the territories of the Republic of Costa Rica of any article being of the growth, produce, or manufacture of the territories of the United States, whether such importation shall be made in Costa Rican, or in vessels of the United States; and the same duties shall be paid on the importation into the territories of the United States of any article being the growth, produce, or manufacture of the Republic of Costa Rica, whether such importation shall be made in United States or in Costa Rican vessels.

Commercial provisions.

Duties.

The same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation to the Republic of Costa Rica of any articles being the growth, produce, or manufacture of the territories of the United States, whether such exportations shall be made in Costa Rican or in United States vessels; and the same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any articles being the growth, produce, or manufacture of the Republic of Costa Rica to the territories of the United States, whether such exportation shall be made in United States or in Costa Rican vessels.

ARTICLE VII.

All merchants, commanders of ships, and others, citizens of the United States, shall have full liberty, in all the territories of the Republic of Costa Rica, to manage their own affairs themselves, or to commit them to the management of whomsoever they please, as broker, factor, agent, or interpreter; nor shall they be obliged to employ any other persons in those capacities than those employed by Costa Ricans, nor to pay them any other salary or remuneration than such as is paid in like cases by Costa Rican citizens; and absolute freedom shall be allowed in all cases to the buyer and seller to bargain and fix the price of any goods, wares, or merchandise imported into or exported from the Republic of Costa Rica, as they shall see good, observing the laws and established customs of the country. The same privileges shall be enjoyed in the territories of the United States by the citizens of the Republic of Costa Rica under the same conditions.

Privileges of citizens of either nation in the other.

The citizens of the high contracting parties shall reciprocally receive and enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice in the said countries respectively, for the prosecution and defence of their just rights; and they shall be at liberty to employ, in all cases, the advocates, attorneys, or agents of whatever description, whom they may think proper, and they shall enjoy in this respect the same rights and privileges therein as native citizens.

ARTICLE VIII.

In whatever relates to the police of the ports, the lading and unlading of ships, the safety of merchandise, goods, and effects, the succession to personal estates by will or otherwise, and the disposal of personal property of every sort and denomination, by sale, donation, exchange, testament, or in any other manner whatsoever, as also the administration of justice, the citizens of the two high contracting parties shall reciprocally enjoy the same privileges, liberties, and rights as

Same subject.

native citizens, and they shall not be charged in any of these respects with any higher imposts or duties than those which are paid or may be paid by native citizens; submitting, of course, to the local laws and regulations of each country respectively.

If any citizen of either of the two high contracting parties shall die without will or testament in any of the territories of the other, the Consul General or Consul of the nation to which the deceased belonged, or the representative of such Consul General or Consul in his absence, shall have the right to nominate curators to take charge of the property of the deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased, giving proper notice of such nomination to the authorities of the country.

ARTICLE IX.

Same subject.

The citizens of the United States residing in the Republic of Costa Rica, and the citizens of the Republic of Costa Rica residing in the United States, shall be exempted from all compulsory military service whatsoever, either by sea or by land, and from all forced loans or military exactions or requisitions; and they shall not be compelled, under any pretext whatsoever, to pay other ordinary charges, requisitions, or taxes greater than those that are paid by native citizens of the contracting parties respectively.

ARTICLE X.

Consuls and diplomatic agents.

It shall be free for each of the two high contracting parties to appoint Consuls for the protection of trade, to reside in any of the territories of the other party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and either of the high contracting parties may except from the residence of Consuls such particular places as they judge fit to be excepted. The Costa Rican diplomatic agents and Consuls shall enjoy in the territories of the United States whatever privileges, exemptions, and immunities are or shall be granted to agents of the same rank belonging to the most favored nation; and, in like manner, the diplomatic agents and Consuls of the United States in the Costa Rican territories shall enjoy, according to the strictest reciprocity, whatever privileges, exemptions, and immunities are or may be granted in the Republic of Costa Rica to the diplomatic agents and Consuls of the most favored nation.

ARTICLE XI.

Provisions in the event of a rupture between the two nations.

For the better security of commerce between the citizens of the United States and the citizens of the Republic of Costa Rica, it is agreed, that if at any time any interruption of friendly intercourse, or any rupture should unfortunately take place between the two high contracting parties, the citizens of either of the two high contracting parties who may be within any of the territories of the other, shall, if residing upon the coast, be allowed six months, and if in the interior, a whole year to wind up their accounts and dispose of their property; and a safe-conduct shall be given them to embark at the port which they themselves shall select; and even in the event of a rupture, all such citizens of either of the two high contracting parties who are established in any of the territories of the other, in the exercise of any trade or special employment, shall have the privilege of remaining and of continuing such trade and employment therein

without any manner of interruption, in the full enjoyment of their liberty and property, as long as they behave peaceably, and commit no offence against the laws; and their goods and effects, of whatever description they may be, whether in their own custody or intrusted to individuals or to the State, shall not be liable to seizure or sequestration, nor to any other charges or demands than those which may be made upon the like effects or property belonging to the native citizens of the country in which such citizens may reside. In the same case, debts between individuals, property in public funds, and shares of companies, shall never be confiscated, sequestered, nor detained.

ARTICLE XII.

Privileges of citizens of either nation in the other.

The citizens of the United States and the citizens of the Republic of Costa Rica, respectively, residing in any of the territories of the other party, shall enjoy in their houses, persons, and properties the protection of the Government, and shall continue in possession of the guarantees which they now enjoy. They shall not be disturbed, molested, or annoyed in any manner on account of their religious belief, nor in the proper exercise of their religion, either within their own private houses or in the places of worship destined for that purpose, agreeably to the system of tolerance established in the territories of the two high contracting parties; provided they respect the religion of the nation in which they reside, as well as the constitution, laws, and customs of the country. Liberty shall also be granted to bury the citizens of either of the two high contracting parties who may die in the territories aforesaid, in burial-places of their own, which in the same manner may be freely established and maintained; nor shall the funerals or sepulchres of the dead be disturbed in any way or upon any account.

Liberty of conscience.

Rights of burial.

ARTICLE XIII.

Art. IV, V, and VI of this treaty may be abrogated by 12 months' notice after 7 years.

In order that the two high contracting parties may have the opportunity of hereafter treating and agreeing upon such other arrangements as may tend still further to the improvement of their mutual intercourse, and to the advancement of the interests of their respective citizens, it is agreed that, at any time after the expiration of seven years from the date of the exchange of the ratifications of the present treaty, either of the high contracting parties shall have the right of giving to the other party notice of its intention to terminate Articles IV, V, and VI, of the present treaty; and that, at the expiration of twelve months after such notice shall have been received by either party from the other, the said articles, and all the stipulations contained therein, shall cease to be binding on the two high contracting parties.

ARTICLE XIV.

The present treaty shall be ratified, and the ratifications shall be exchanged at Washington or at San José de Costa Rica, within the space of one year, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto their respective seals.

Done at Washington this tenth day of July, in the year of our Lord one thousand eight hundred and fifty-one.

DAN'L WEBSTER. [SEAL.]
F. MOLINA. [SEAL.]

COSTA RICA, 1860.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF COSTA RICA, FOR THE ADJUSTMENT OF CLAIMS. SIGNED AT SAN JOSÉ JULY 2, 1860; EXCHANGE OF RATIFICATIONS NOVEMBER 9, 1861; PROCLAIMED NOVEMBER 11, 1861.

Convention for the adjustment of claims of citizens of the United States against the Government of the Republic of Costa Rica.

The United States of America and the Republic of Costa Rica, desiring to adjust the claims of citizens of said States against Costa Rica in such a manner as to cement the good understanding and friendly relations now happily subsisting between the two Republics, have resolved to settle such claims by means of a convention; and, for that purpose, appointed and conferred full powers, respectively, to wit:

Contracting parties.

The President of the United States, on Alexander Dimitry, Minister Resident of said United States in the Republic of Costa Rica, and his Excellency the Constitutional President of said Republic of Costa Rica, on Manuel José Carazo and Francisco Maria Yglesias; who, upon an exchange of their plenary powers, which were found in good and proper form, have agreed to the following articles:

ARTICLE I.

Claims of citizens of the United States to be referred to board of commissioners.

It is agreed that all claims of citizens of the United States, upon the Government of Costa Rica, arising from injuries to their persons, or damages to their property, under any form whatsoever, through the action of authorities of the Republic of Costa Rica, statements of which, soliciting the interposition of the Government of the United States, have been presented to the Department of State at Washington, or to the diplomatic agents of said United States at San José, of Costa Rica, up to the date of the signature of this convention, shall, together with the documents in proof, on which they may be founded, be referred to a board of commissioners, consisting of two members, who shall be appointed in the following manner: one by the Government of the United States of America, and one by the Government of the Republic of Costa Rica: *Provided, however*, That no claim of any citizen of the United States, who may be proved to have been a belligerent during the occupation of Nicaragua by the troops of Costa Rica, or the exercise of authority, by the latter, within the territory of the former, shall be considered as one proper for the action of the board of commissioners herein provided for.

Board how appointed.

How vacancies in commission are to be filled.

In case of the death, absence, or incapacity of either commissioner, or in the event of either commissioner's omitting or ceasing to act, the Government of the United States of America, or that of the Republic of Costa Rica, respectively, or the minister of the latter, in the United States, acting by its direction, shall forthwith proceed to fill the vacancy thus occasioned.

ARTICLE II.

When and where commissioners to meet.

The commissioners so named shall meet at the city of Washington, within ninety days from the exchange of the ratifications of this convention; and, before proceeding to business, they shall, each of them, exhibit a solemn oath, made and sub-

scribed before a competent authority, that they will carefully examine into, and impartially decide, according to the principles of justice and of equity, and to the stipulations of treaty, upon all the claims laid before them, under the provisions of this convention, by the Government of the United States, and in accordance with such evidence as shall be submitted to them on the part of said United States and of the Republic of Costa Rica, respectively. And their oath, to such effect, shall be entered upon the record of their proceedings.

Said commissioners shall then proceed to name an arbitrator, or umpire, to decide upon any case or cases concerning which they may disagree, or upon any point or points of difference which may arise in the course of their proceedings. And if they cannot agree in the selection, the arbitrator or umpire shall be appointed by the minister of His Majesty the King of the Belgians, to the United States, whom the two high contracting parties shall invite to make such appointment, and whose selection shall be conclusive on both parties.

ARTICLE III.

Mode of procedure of commissioners.

The arbitrator, or umpire, being appointed, the commissioners shall, without delay, proceed to examine and determine the claims which may be presented to them, under the provisions of this convention, by the Government of the United States, as stated in the preceding article; and they shall hear, if required, one person in behalf of each Government, on every separate claim.

Each government to furnish papers in regard to claims.

Each Government shall furnish, upon request of either of the commissioners, such papers in its possession as may be deemed important to the just determination of any claims of citizens of the United States, referred to the board, under the provisions of the first article.

Amount of indemnity.

In cases, whether touching injuries to the person, limb, or life of any said citizens, or damages committed, as stipulated in the first article, against their property, in which the commissioners may agree to award an indemnity, they shall determine the amount to be paid. In cases in which said commissioners cannot agree, the points of difference shall be referred to the arbitrator, or umpire, before whom each of the commissioners may be heard, and his decision shall be final.

ARTICLE IV.

Mode of payment of indemnity to claimants.

The commissioners shall issue certificates of the sums to be paid to the claimants, respectively, whether by virtue of the awards agreed to between themselves, or of those made by them, in pursuance of decisions of the arbitrator, or umpire; and the aggregate amount of said sums, decreed by the certificates of award made by the commissioners, in either manner above indicated, and of the sums also accruing from such certificates of award as the arbitrator, or umpire, may, under the authority hereinafter conferred by the seventh article, have made and issued, with the rate of interest stipulated in the present article, in favor of any claimant, or claimants, shall be paid to the Government of the United States, in the city of Washington, in equal semi-annual instalments. It is, however, hereby agreed, by the contracting parties, that the payment of the first instalment shall be made eight months from the termination of the labors of the commission; and, after such first payment, the second, and each succeeding one, shall be made semi-

When first instalment to be paid.

Subsequent instalments.

annually, counting from the date of the first payment; and the whole payment of such aggregate amount, or amounts, shall be perfected within the term of ten years from the termination of said commission; and each of said sums shall bear interest (also payable semi-annually) at the rate of six per cent. per annum, from the day on which the awards, respectively, will have been decreed.

Interest.

To meet these payments, the Government of the Republic of Costa Rica hereby specially appropriates fifty per cent. of the net proceeds of the revenues arising from the customs of the said Republic; but if such appropriation should prove insufficient to make the payments as above stipulated, the Government of said Republic binds itself to provide other means for that purpose.

Provision by Costa Rica to meet payments.

ARTICLE V.

The commission herein provided shall terminate its labors in nine months from and including the day of its organization. They shall keep an accurate record of all their proceedings, and they may appoint a secretary, versed in the knowledge of the English and of the Spanish languages, to assist in the transaction of their business. And, for the conduct of such business, they are hereby authorized to make all necessary and lawful rules.

Commission.

ARTICLE VI.

The procedings of this commission shall be final and conclusive with respect to all the claims of citizens of the United States, which, having accrued prior to the date of this convention, may be brought before it for adjustment; and the United States agree forever to release the Government of the Republic of Costa Rica from any further accountability for claims which shall be rejected, either by the board of commissioners, or by the arbitrator or umpire aforesaid; or for such as, being allowed by either the board or the umpire, the Government of Costa Rica shall have provided for and satisfied in the manner agreed upon in the fourth article.

Proceedings of commission to be conclusive as to certain claims.

Costa Rica released.

ARTICLE VII.

In the event, however, that upon the termination of the labors of said commission stipulated for in the fifth article of this convention, any case or cases should be pending before the umpire, and awaiting his decision, it is hereby understood and agreed by the two contracting parties that, though the board of commissioners may, by such limitation, have terminated their action, said umpire is hereby authorized and empowered to proceed to make his decision or award in such case or cases pending as aforesaid; and, upon his certificate thereof, in each case, transmitted to each of the two Governments, mentioning the amount of indemnity, if such shall have been allowed by him, together with the rate of interest specified by the fourth article, such decision or award shall be taken and held to be binding and conclusive, and it shall work the same effect as though it had been made by both the commissioners under their own agreement, or by them upon decision of the case or of the cases, respectively, pronounced by the umpire of said board, during the period prescribed for its sessions: *Provided, however*, That a decision on every case that may be pending at the termination

Provision for cases pending before umpire at the termination of the commission.

Umpire to decide in sixty days.

of the labors of the board shall be given by the umpire within sixty days from their final adjournment; and that, at the expiration of the said sixty days, the authority and power hereby granted to said umpire shall cease.

ARTICLE VIII.

Each Government shall pay its own commissioner; but the umpire, as well as the incidental expenses of the commission, including the defrayal of the services of a secretary, who may be appointed under the fifth article, shall be paid one-half by the United States, and the other half by the Republic of Costa Rica.

Pay of commissioners, of umpire, incidental expenses, &c.

ARTICLE IX.

The present convention shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said States; and by the President of the Republic of Costa Rica, with the consent and approbation of the Supreme Legislative Power of said Republic; and the ratifications shall be exchanged in the city of Washington, within the space of eight months from the date of the signature hereof, or sooner if possible.

Convention, how and when to be approved, &c.

In faith whereof, and by virtue of our respective full powers, we, the undersigned, have signed the present convention, in duplicate, and have hereunto affixed our seals.

Done at the city of San José, on the second day of July, in the year one thousand eight hundred and sixty, and in the eighty-fourth year of the independence of the United States of America, and of the independence of Costa Rica the thirty-ninth.

Signature.

ALEX'R DIMITRY. [SEAL.]
MANUEL J. CARAZO. [SEAL.]
FRAN'CO M. YGLESIAS. [SEAL.]

DENMARK.

DENMARK, 1826.

GENERAL CONVENTION OF FRIENDSHIP, COMMERCE, AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF DENMARK. CONCLUDED APRIL 26, 1826. RATIFICATIONS EXCHANGED AUGUST 10, 1826. PROCLAIMED OCTOBER 14, 1826.

Peace, &c.

The United States of America and His Majesty the King of Denmark, being desirous to make firm and permanent the peace and friendship which happily prevail between the two nations, and to extend the commercial relations which subsist between their respective territories and people, have agreed to fix, in a manner clear and positive, the rules which shall in future be observed between the one and the other party, by means of a general convention of friendship, commerce, and navigation. With that object, the President of the United States of America has conferred full powers on Henry Clay, their Secretary of State, and His Majesty the King of Denmark has conferred like powers on Peter Pedersen, his Privy Counsellor of Legation and Minister Resident near the said States, Knight of the Dannebrog; who, after having exchanged their said full powers, found to be in due and proper form, have agreed to the following articles:

ARTICLE I.

Commerce and navigation.

The contracting parties, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage, mutually, not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession were freely made, or on allowing the same compensation, if the concession were conditional.

ARTICLE II.

Navigation, equality, and reciprocity.

The contracting parties being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens and subjects of each may frequent all the coasts and countries of the other, (with the exception hereafter provided for in the sixth article,) and reside and trade there in all kinds of produce, manufactures, and merchandise; and they shall enjoy all the rights, privileges, and exemptions, in navigation and commerce, which native citizens or subjects do or shall enjoy, submitting themselves to the laws, decrees, and usages, there established, to which native citizens or subjects are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties, respectively, according to their own separate laws.

ARTICLE III.

They likewise agree that whatever kind of produce, manufacture, or merchandise, of any foreign country, can be, from time to time, lawfully imported into the United States, in vessels belonging wholly to the citizens thereof, may be also imported in vessels wholly belonging to the subjects of Denmark; and that no higher or other duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other. And, in like manner, that whatever kind of produce, manufacture, or merchandise, of any foreign country, can be, from time to time, lawfully imported into the dominions of the King of Denmark, in the vessels thereof, (with the exception hereafter mentioned in the sixth article,) may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other. And they further agree, that whatever may be lawfully exported or re-exported, from the one country in its own vessels, to any foreign country, may, in like manner, be exported or re-exported in the vessels of the other country. And the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of Denmark. Nor shall higher or other charges of any kind be imposed in the ports of one party, on vessels of the other, than are or shall be payable in the same ports by native vessels.

Produce and manufactures.

ARTICLE IV.

No higher or other duties shall be imposed on the importation into the United States of any article, the produce or manufacture of the dominions of His Majesty the King of Denmark; and no higher or other duties shall be imposed on the importation into the said dominions of any article, the produce or manufacture of the United States, than are or shall be payable on the like articles, being the produce or manufacture of any other foreign country. Nor shall any higher or other duties or charges be imposed in either of the two countries on the exportation of any articles to the United States, or to the dominions of His Majesty the King of Denmark, respectively, than such as are or may be payable on the exportation of the like articles to any other foreign country. Nor shall any prohibition be imposed on the exportation or importation of any articles, the produce or manufacture of the United States, or of the dominions of his Majesty the King of Denmark, to or from the territories of the United States, or to or from the said dominions, which shall not equally extend to all other nations.

Duties.

ARTICLE V.

Neither the vessels of the United States nor their cargoes shall, when they pass the Sound or the Belts, pay higher or other duties than those which are or may be paid by the most favoured nation.

Same.

ARTICLE VI.

The present convention shall not apply to the northern possessions of His Majesty the King of Denmark—that is to say, Iceland, the Ferroé Islands, and Greenland—nor to places situated be-

Possessions.

yond the Cape of Good Hope; the right to regulate the direct intercourse with which possessions and places is reserved by the parties, respectively. And it is further agreed that this convention is not to extend to the direct trade between Denmark and the West India colonies of His Danish Majesty, but in the intercourse with those colonies it is agreed that whatever can be lawfully imported into or exported from the said colonies in vessels of one party from or to the ports of the United States, or from or to the ports of any other foreign country, may in like manner, and with the same duties and charges applicable to vessel and cargo, be imported into or exported from the said colonies in vessels of the other party.

Article VII.

Taxes.

The United States and His Danish Majesty mutually agree that no higher or other duties, charges, or taxes of any kind shall be levied in the territories or dominions of either party, upon any personal property, money, or effects of their respective citizens or subjects, on the removal of the same from their territories or dominions reciprocally, either upon the inheritance of such property, money, or effects, or otherwise, than are or shall be payable in each State upon the same, when removed by a citizen or subject of such State, respectively.

Article VIII.

Consuls and Vice-Consuls.

To make more effectual the protection which the United States and His Danish Majesty shall afford in future to the navigation and commerce of their respective citizens and subjects, they agree mutually to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, privileges, and immunities of the Consuls and Vice-Consuls of the most favoured nation, each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls may not seem convenient.

Article IX.

Rights, privileges, &c. of the same.

In order that the Consuls and Vice-Consuls of the contracting parties may enjoy the rights, privileges, and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and having obtained their exequatur, which shall be granted gratis, they shall be held and considered as such by all the authorities, magistrates, and inhabitants in the consular district in which they reside.

Article X.

Concerning Consuls.

It is likewise agreed that the Consuls and persons attached to their necessary service, they not being natives of the country in which the Consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts, and contributions, except those which they shall be obliged to pay, on account of commerce, or their property, to which inhabitants, native and foreign, of the country in which such Consuls reside, are subject, being in everything besides subject to the laws of the respective States. The archives and

papers of the consulate shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

ARTICLE XI.

The present convention shall be in force for ten years from the date hereof, and further until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same, each of the contracting parties reserving to itself the right of giving such notice to the other at the end of the said term of ten years; and it is hereby agreed between them that, on the expiration of one year after such notice shall have been received by either, from the other party, this convention, and all the provisions thereof, shall altogether cease and determine.

Convention to be in force for ten years.

ARTICLE XII.

This convention shall be approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Denmark, and the ratifications shall be exchanged in the city of Copenhagen within eight months from the date of the signature hereof, or sooner if possible.

Convention to be approved of by the President, &c.

In faith whereof, we, the Plenipotentiaries of the United States of America, and of His Danish Majesty, have signed and sealed these presents.

Done in triplicate, at the city of Washington, on the twenty-sixth day of April, in the year of our Lord one thousand eight hundred and twenty-six, in the fiftieth year of the Independence of the United States of America.

H. CLAY.
PR. PEDERSEN.

ADDENDUM.

Mr. Clay to Mr. Pedersen.

Addendum.

DEPARTMENT OF STATE,
Washington, April 25, 1826.

The undersigned, Secretary of State of the United States, by direction of the President thereof, has the honour to state to Mr. Pedersen, Minister Resident of His Majesty the King of Denmark, that it would have been satisfactory to the Government of the United States if Mr. Pedersen had been charged with instructions, in the negotiation which has just terminated, to treat of the indemnities to citizens of the United States, in consequence of the seizure, detention, and condemnation of their property in the ports of His Danish Majesty. But as he has no instructions to that effect, the undersigned is directed, at and before proceeding to the signature of the treaty of friendship, commerce, and navigation on which they have agreed, explicitly to declare, that the omission to provide for those indemnities is not hereafter to be interpreted as a waiver or abandonment of them by the Government of the United States, which, on the contrary, is firmly resolved to persevere in the pursuit of them until they shall be finally arranged upon principles of equity and justice. And, to guard against any misconception of the fact of the silence of the treaty in the above particular, or of the views of the American Government, the undersigned requests that Mr. Pedersen will transmit this official declaration to the Government of Denmark. And he avails himself of this occasion to tender to Mr. Pedersen assurances of his distinguished consideration.

April 25, 1826.

H. CLAY.

The Chevalier PEDERSEN,
Minister Resident from Denmark.

The Chevalier Peter Pedersen to Mr. Clay.

WASHINGTON, *April* 25, 1826.

The undersigned, Minister Resident of His Majesty the King of Denmark, has the honour herewith, to acknowledge having received Mr. Clay's official note of this day, declaratory of the advanced claims against Denmark not being waived on the part of the United States by the convention agreed upon and about to be signed, which note he, as requested, will transmit to his Government. And he avails himself of this occasion to renew to Mr. Clay assurances of his distinguished consideration.

April 25, 1826.

P. PEDERSEN.

To the Hon. HENRY CLAY,
Secretary of State of the United States.

DENMARK, 1830.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF DENMARK. SIGNED AT COPENHAGEN THE 28TH OF MARCH, 1830; RATIFICATIONS EXCHANGED JUNE 5, 1830; PROCLAIMED JUNE 5, 1830.

The United States of America and His Majesty the King of Denmark, being equally desirous of terminating the discussions which have taken place between them in respect to the claims and pretensions formed by the citizens of the United States and the subjects of Denmark, having for their object the seizure, detention, condemnation, or confiscation of their vessels, cargoes, or property whatsoever, within the territory or under the authority of the respective Governments, have named for this purpose, and furnished with their full powers, that is to say: The President of the United States of America, by and with the advice and consent of the Senate, Henry Wheaton, Chargé d'Affaires of the said United States at the Court of His Majesty the King of Denmark, etc., and His Majesty the King of Denmark, the Sieur Ernest Henry, Count de Schimmelmann, Knight of the Order of the Elephant, Grand Cross of the Order of Dannebrog, decorated with the silver cross of the same order, His Minister (intime) of State, Chief of his Department of Foreign Affairs, etc., and the Sieur Paul Christian de Stemann, Knight of the Order of the Elephant, Grand Cross of the Order of Dannebrog, decorated with the silver cross of the same order, his Minister (intime) of State and of Justice, president of his Danish Chancery, etc.; and the said Plenipotentiaries, after having exchanged their full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

Renunciation by Denmark of indemnity.

His Majesty the King of Denmark renounces the indemnities which might be claimed from the Government of the United States of America for the subjects of Denmark, on account of the seizure, detention, condemnation, or confiscation of their vessels, cargoes, or property whatsoever, under the authority of the said Government; and His Majesty engages, moreover, to pay to the said Government the sum of six hundred and fifty thousand Spanish milled dollars, on account of the citizens of the United States, who have preferred claims relating to the seizure, detention, condemnation, or confiscation of their vessels, cargoes, or property whatsoever, by the public and private armed ships, or by the tribunals of Denmark, or in the States subject to the Danish sceptre.

Agreement to indemnify U. S.

ARTICLE II.

The payment of the above sum of six hundred and fifty thousand Spanish milled dollars shall be made in the times and manner following:

Payment of said indemnity.

On the 31st March, 1831, two hundred and sixteen thousand six hundred and sixty-six dollars and two-thirds of a dollar.

On the 30th September, 1831, two hundred and sixteen thousand six hundred and sixty-six dollars and two-thirds of a dollar.

On the 30th September, 1832, two hundred and sixteen thousand six hundred and sixty-six dollars and two-thirds of a dollar.

To the second payment shall be added the interest for that, and for the last payment, at four per centum per annum, to be computed from the first payment, on the 31st March, 1831.

To the third payment shall also be added the interest for that payment, at four per centum per annum, to be computed from the second payment, on the 30th September, 1831.

The above sums, thus specified in Spanish milled dollars, shall be paid in bills of exchange, at fifteen days' sight, at Hamburg; for the payment of which the Danish Government shall be responsible.

At the time when the first payment shall be made, on the 31st March, 1831, two obligations, corresponding to the two last payments to be effected for the capital and the interest thereof, shall be issued by the Direction for the public debt and the sinking fund of Denmark, to the order of the Department of Foreign Affairs of Denmark, and assigned to the Government of the United States. By the said obligations, His Majesty the King of Denmark shall acknowledge himself debtor for the sums not yet paid to the Government of the United States of America, and the same shall be delivered to such person or persons as may be authorized to receive the same by the said Government; and when the said obligations are to be discharged, according to the tenor thereof, by the Danish Government, the person or persons authorized by the Government of the United States to receive the stipulated payments shall deliver up the said obligations, with receipts for the amount thereof, from the said Government.

ARTICLE III.

To ascertain the full amount and validity of the claims, mentioned in Article I, a Board of Commissioners, consisting of three citizens of the United States, shall be appointed by the President, by and with the advice and consent of the Senate, who shall meet at Washington, and within the space of two years from the time of their first meeting shall receive, examine, and decide upon the amount and validity of all such claims, according to the merits of the several cases, and to justice, equity, and the law of nations.

A board of commissioners to be appointed to ascertain the validity, &c., of claims.

1831, ch. 36.

The Commissioners shall take an oath or affirmation, to be entered in the journal of their proceedings, for the faithful and diligent discharge of their duties.

In case of the death, sickness, or necessary absence of any Commissioner, his place may be supplied by the appointment of another Commissioner, in the manner before mentioned, or during the recess of the Senate, by the President of the United States. The Commissioners shall be authorized to hear and examine, on oath or affirmation, every

question relating to such claims, and to receive all suitable authentic testimony concerning the same.

In order to facilitate the proceedings of this board, His Majesty the King of Denmark engages, when thereunto required, to cause to be delivered to any person or persons who shall be duly authorized for that purpose by the Government of the United States, in addition to the papers already delivered, all the acts, documents, ship's papers and prize proceedings which may still remain in the archives of the High Court of Admiralty, or the Prize Tribunals of Denmark, relating to the seizure, detention, condemnation, or confiscation of the vessels, cargoes, or property whatsoever, belonging to the citizens of the United States of America before the said tribunals.

The Commissioners shall award and cause to be distributed, among the several parties whose claims shall be allowed by the board, the sum mentioned in Article I and II, in a rateable proportion to the amount of the respective claims thus allowed.

ARTICLE IV.

No further claims shall be presented by U. S.

In consideration of the renunciation and payments mentioned in Article I and II, on the part of His Majesty the King of Denmark, the Government of the United States declares itself entirely satisfied, not only in what concerns the said Government, but also in what concerns the citizens of the said United States, on account of the claims hitherto preferred, or which may hereafter be preferred, relating to the seizure, detention, condemnation, or confiscation of their vessels, cargoes, or property whatsoever, which in the last maritime war of Denmark have taken place under the flag of Denmark, or in the States subject to the Danish sceptre; and the said claims shall consequently be regarded as definitively and irrevocably terminated.

ARTICLE V.

The present convention only applicable to the cases therein mentioned.

The intention of the two high contracting parties being solely to terminate, definitively and irrevocably, all the claims which have hitherto been preferred, they expressly declare that the present convention is only applicable to the cases therein mentioned; and, having no other object, can never hereafter be invoked by one party or the other as a precedent or rule for the future.

ARTICLE VI.

The present convention shall be duly ratified by the high contracting parties, and the ratifications shall be exchanged at Washington, in the space of ten months, or sooner if possible.

In faith thereof, and in virtue of our respective full powers, we have signed the present convention, and have thereunto set the seals of our arms.

Done at Copenhagen, this 28th day of March, 1830.

HENRY WHEATON. [SEAL.]
E. H. SCHIMMELMANN. [SEAL.]
STEMANN. [SEAL.]

DENMARK, 1857.

CONVENTION WITH DENMARK. CONCLUDED APRIL 11, 1857; RATIFICATIONS EXCHANGED JANUARY 12, 1858; PROCLAIMED JANUARY 13, 1858.

The United States of America and His Majesty the King of Denmark, being desirous to terminate amicably the differences which have arisen between them in regard to the tolls levied by Denmark on American vessels and their cargoes passing through the Sound and Belts, and commonly called the Sound dues, have resolved to conclude a convention for that purpose, and have named as their Plenipotentiaries, that is to say:

Negotiators.

The President of the United States, Lewis Cass, Secretary of State of the United States, and His Majesty the King of Denmark, Torben Bille, Esquire, Knight of the Dannebrog, and decorated with the cross of honor of the same order, his said Majesty's Chargé d'Affaires near the Government of the United States;

Who, after having communicated to each other their full powers in due form, have agreed to and signed the following articles:

ARTICLE I.

Navigation of the Sound and Belts to be free to American vessels.

His Majesty the King of Denmark declares entire freedom of the navigation of the Sound and the Belts in favor of American vessels and their cargoes, from and forever after the day when this convention shall go into effect as hereinafter provided. And it is hereby agreed that American vessels and their cargoes, after that day, shall not be subject to any charges whatever in passing the Sound or the Belts, or to any detention in the said waters, and both Governments will concur, if occasion should require it, in taking measures to prevent abuse of the free flag of the United States by the shipping of other nations which shall not have secured the same freedom and exemption from charges enjoyed by that of the United States.

ARTICLE II.

Passages of Sound and Belts to be lighted and buoyed as heretofore, &c.

His Danish Majesty further engages that the passages of the Sound and Belts shall continue to be lighted and buoyed as heretofore without any charge upon American vessels or their cargoes on passing the Sound and the Belts, and that the present establishments of Danish pilots in these waters shall continue to be maintained by Denmark. His Danish Majesty agrees to make such additions and improvements in regard to the lights, buoys, and pilot establishments in these waters as circumstances and the increasing trade of the Baltic may require. He further engages that no charge shall be made, in consequence of such additions and improvements, on American ships and their cargoes passing through the Sound and the Belts.

Masters of American vessels may employ Danish pilots, or otherwise.

It is understood, however, to be optional for the masters of American vessels either to employ, in the said waters, Danish pilots, at reasonable rates fixed by the Danish Government, or to navigate their vessels without such assistance.

ARTICLE III.

United States to pay to Denmark $393,011.

In consideration of the foregoing agreements and stipulations on the part of Denmark, whereby the free and unincumbered navigation of American vessels through the Sound and the Belts is forever secured, the United States agree to pay to the

Government of Denmark, once for all, the sum of seven hundred and seventeen thousand eight hundred and twenty-nine rix dollars, or its equivalent, three hundred and ninety-three thousand and eleven dollars in United States currency, at London, on the day when the said convention shall go into full effect, as herein afterwards provided.

ARTICLE IV.

Citizens of the United States to enjoy all further privileges granted by Denmark to commerce of any nation.

It is further agreed that any other or further privileges, rights, or advantages which may have been, or may be, granted by Denmark to the commerce and navigation of any other nation at the Sound and Belts, or on her coasts and in her harbors, with reference to the transit by land through Danish territory of merchandise belonging to the citizens or subjects of such nation, shall also be fully extended to, and enjoyed by, the citizens of the United States, and by their vessels and property in that quarter.

ARTICLE V.

Convention of April 26, 1826, except 5th article, to be again in force. Vol. viii, p. 349.

The general convention of friendship, commerce, and navigation, concluded between the United States and His Majesty the King of Denmark, on the 26th of April, 1826, and which was abrogated on the 15th of April, 1856, and the provisions contained in each and all of its articles, the 5th article alone excepted, shall, after the ratification of this present convention, again become binding upon the United States and Denmark; it being, however, understood, that a year's notice shall suffice for the abrogation of the stipulations of the said convention hereby renewed.

ARTICLE VI.

When convention to take effect.

The present convention shall take effect as soon as the laws to carry it into operation shall be passed by the Governments of the contracting parties, and the sum stipulated to be paid by the United States shall be received by or tendered to Denmark; and for the fulfilment of these purposes, a period not exceeding twelve months from the signing of this convention shall be allowed.

But if, in the interval, an earlier day shall be fixed upon and carried into effect for a free navigation through the Sound and Belts in favor of any other power or powers, the same shall simultaneously be extended to the vessels of the United States and their cargoes, in anticipation of the payment of the sum stipulated in Article III; it being understood, however, that in that event the Government of the United States shall also pay to that of Denmark four per cent. interest on the said sum, from the day the said immunity shall have gone into operation until the principal shall have been paid as aforesaid.

ARTICLE VII.

Ratification.

The present convention shall be duly ratified, and the exchange of ratifications shall take place in Washington within ten months from the date hereof, or sooner if practicable.

In faith whereof the respective Plenipotentiaries have signed the present convention, in duplicate, and have thereunto affixed their seals.

Done at Washington this eleventh day of April, in the year of our Lord one thousand eight hundred and fifty-seven, and of the Independence of the United States the eighty-first.

LEWIS CASS. [SEAL.]
TORBEN BILLE. [SEAL.]

DENMARK, 1861.

ADDITIONAL ARTICLES TO THE GENERAL CONVENTION OF FRIENDSHIP, COMMERCE, AND NAVIGATION BETWEEN THE UNITED STATES AND DENMARK, OF APRIL 26, 1826, CONCLUDED AT WASHINGTON, JULY 11, 1861; RATIFICATIONS EXCHANGED SEPTEMBER 18, 1861; PROCLAIMED SEPTEMBER 20, 1861.

Additional articles to the general convention of friendship, commerce, and navigation, concluded at Washington on the 26th day of April, 1826, between the United States of America and His Majesty the King of Denmark.

Additional articles.

The United States of America and His Majesty the King of Denmark, wishing to favor their mutual commerce by affording, in their ports, every necessary assistance to their respective vessels, the undersigned Plenipotentiaries, being duly empowered for that purpose, have agreed upon the following additional articles to the general convention of friendship, commerce, and navigation, concluded at Washington on the twenty-sixth day of April, 1826, between the contracting parties.

ARTICLE I.

The respective Consuls-General, Consuls, Vice-Consuls, and commercial agents shall have the right as such to sit as judges and arbitrators in such differences as may arise, either at sea or in port, between the captain, officers, and crew of the vessels belonging to the nation whose interests are committed to their charge, particularly in reference to the adjustment of wages and the execution of contracts, without the interference of the local authorities, unless the conduct of the crew and the officers, or of the captains, should disturb the order or tranquillity of the country.

Consuls-General, Consuls, &c., may sit as judges and arbitrators.

It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort on their return to the judicial authority of their country.

Not to prevent resort to the judicial authority.

ARTICLE II.

The Consuls-General, Consuls, Vice-Consuls, and commercial agents are authorized to require the assistance of the local authorities for the search, arrest, and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges and officers, and shall in writing demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, or, if the vessel shall have departed, by copy of said documents duly certified by them, that such individuals form part of the crew; and on this reclamation being thus substantiated, the surrender shall not be refused, unless there be sufficient proof of the said persons being citizens or subjects of the country where their surrender is demanded. Such deserters, when arrested, shall be placed at the disposal of said Consuls-General, Consuls, Vice-Consuls, or commercial agents, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to

Deserters.

their own country by a vessel of the same nation, or any other vessel whatsoever. But if not sent back within three months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

Offences against laws of the country to be punished.

However, if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

Effect of present articles.

The present additional articles shall have the same force and value as if they were inserted, word for word, in the convention signed at Washington on the twenty-sixth day of April, one thousand eight hundred and twenty-six, and being approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Denmark, the ratifications shall be exchanged at Washington within six months from the date hereof, or sooner if possible.

In faith whereof we, the undersigned, in virtue of our respective full powers, have signed the present additional articles, and have thereto affixed our seals.

Done in triplicate at the city of Washington on the eleventh day of July, in the year of our Lord one thousand eight hundred and sixty-one.

Signature.

WILLIAM H. SEWARD. [SEAL.]
W. R. RAASLOFF. [SEAL.]

DOMINICAN REPUBLIC.

DOMINICAN REPUBLIC, 1867.

GENERAL CONVENTION OF AMITY, COMMERCE, AND NAVIGATION, AND FOR THE SURRENDER OF FUGITIVE CRIMINALS, BETWEEN THE UNITED STATES OF AMERICA AND THE DOMINICAN REPUBLIC. SIGNED AT SANTO DOMINGO FEBRUARY 8, 1867; RATIFICATIONS EXCHANGED AT SANTO DOMINGO OCTOBER 5, 1867; PROCLAIMED OCTOBER 24, 1867.

The United States of America and the Dominican Republic, equally animated with the desire of maintaining the cordial relations and of tightening, if possible, the bonds of friendship between the two countries, as well as to augment, by all the means at their disposal, the commercial intercourse of their respective citizens, have mutually resolved to conclude a general convention of amity, commerce, and navigation, and for the surrender of fugitive criminals. For this purpose thay have appointed as their Plenipotentiaries, to wit:

Contracting parties.

The President of the United States, John Somers Smith, Commercial Agent of the United States at the city of Santo Domingo, and the President of the Dominican Republic, José Gabriel Garcia, Secretary of State in the Department of Foreign Relations, and Juan Ramon Fiallo, ex-Secretary of the Treasury;

Who, after a communication of their respective full powers, have agreed to the following articles:

ARTICLE I.

Peace and friendship.

It is the intention of the high contracting parties that there shall continue to be a firm, inviolable, and universal peace, and a true and sincere friendship between the Republic of the United States of America and the Dominican Republic, and between their respective countries, territories, cities, towns, and people, without exception of persons or places.

Provision in case of wars.

If, unfortunately, the two nations should become involved in war, one with the other, the term of six months after the declaration thereof shall be allowed to the merchants and other citizens and inhabitants respectively, on each side, during which time they shall be at liberty to withdraw themselves, with their effects and moveables, which they shall have the right to carry away, send away, or sell, as they please, without the least obstruction; nor shall their effects, much less their persons, be seized during such term of six months; on the contrary, passports shall be valid for a term necessary for their return, and shall be given to them for their vessels and the effects which they may wish to carry with them or send away, and such passports shall be a safe-conduct against the insults and captures which privateers may attempt against their persons and effects, and the money, debts, shares in the public funds, or in banks, or any other property, personal or real, belonging to the citizens of the one party in the territories of the other, shall not be confiscated or sequestrated.

Passports.

ARTICLE II.

Exemption from compulsory military service, forced loans, &c.

The citizens of each of the high contracting parties, residing or established in the territory of the other, shall be exempt from all compulsory military service by sea or by land, and from all forced loans or military exactions or requisitions; nor shall they be compelled to pay any contributions whatever, higher or other than those that are or may be paid by native citizens.

ARTICLE III.

Right of residence and to do business.

The citizens of the contracting parties shall be permitted to enter, sojourn, settle and reside in all parts of said territories, and such as may wish to engage in business shall have the right to hire and occupy warehouses, provided they submit to the laws, as well general as special, relative to the rights of travelling, residing, or trading. While they conform to the laws and regulations in force, they shall be at liberty to manage themselves their own business, subject to the jurisdiction of either party, as well in respect to the consignment and sale of their goods by wholesale or retail as with respect to the loading, unloading, and sending off their ships. They may also employ such agents or brokers as they may deem proper, and shall in all these cases be treated as the citizens of the country wherein they reside; it being, nevertheless, distinctly understood that they shall be subject to such laws and regulations also in respect to wholesale or retail. They shall have free access to the tribunals of justice, in cases to which they may be a party, on the same terms which are granted by the laws and usage of the country to native citizens; for which purpose they may employ in defence of their interests and rights such advocates, attorneys, and other agents as they may think proper.

To employ agents.

To have free access to judicial tribunals.

ARTICLE IV.

Liberty of conscience and religious worship.

The citizens of each of the high contracting parties, residing in the other, shall enjoy the most perfect liberty of conscience. They shall be subjected to no inconveniences whatever on account of their religious belief, nor shall they in any manner be annoyed or disturbed in the exercise of their religious worship in private houses, or in the chapels and places which they may select for that purpose; provided that in so doing they observe the decorum due to the laws, usages, and customs of the country. It is likewise agreed that the citizens of the one country dying in the territory of the other, may be interred either in the ordinary cemeteries or in such others as may be selected for that purpose by their own Government, or by their personal friends or representatives, with the consent of the local authorities. All such cemeteries, and funeral processions going to or returning from them, shall be protected from violation or disturbance.

Right of burial.

ARTICLE V.

Disposition of personal property.

The citizens of each of the high contracting parties, within the jurisdiction of the other, shall have power to dispose of their personal property by sale, donation, testament, or otherwise; and their personal representatives, being citizens of the other contract

ing party, shall succeed to their personal property, whether by testament or ab intestato. They may take possession thereof, either by themselves or by others acting for them, at their pleasure, and dispose of the same, paying such duty only as the citizens of the country wherein the said personal property is situated shall be subject to pay in like cases. In the absence of a personal representative, the same care shall be taken of the property as by law would be taken of the property of a native in a similar case, whilst the lawful owner may take measures for securing it. If a question should arise among claimants as to the rightful ownership of the property, the same shall be finally decided by the judicial tribunals of the country in which it is situated.

Real estate of persons deceased.

When on the decease of any person holding real estate within the territory of one party, such real estate would by the law of the land descend on a citizen of the other, were he not disqualified by alienage, the longest term which the laws of the country in which it is situated will permit shall be accorded to him to dispose of the same; nor shall he be subjected, in doing so, to higher or other dues than if he were a citizen of the country wherein such real estate is situated.

ARTICLE VI.

Imports.

The high contracting parties hereby agree, that whatever kind of produce, manufactures, or merchandise, of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may also be imported in the vessels of the Dominican Republic, and no higher or other duties upon the tonnage or cargo of the vessels shall be levied or collected, whether the importation be made in a vessel under the flag of the United States, or a vessel under the flag of the Dominican Republic. And, reciprocally, whatever kind of produce, manufactures, or merchandise of any foreign country can be, from time to time, lawfully imported into the Dominican Republic in her own vessels, may also be imported in vessels of the United States, and no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in a vessel under the flag of the Dominican Republic, or under the flag of the United States.

Tonnage and other duties.

Exports.

Whatever can be lawfully exported or re-exported by one party in its own vessels to any foreign country, may, in like manner, be exported or re-exported in the vessels of the other; and the same duties, bounties, and drawbacks shall be collected and allowed, whether such exportation or re-exportation be made in vessels of the one or the other. Nor shall higher or other charges of any kind be imposed in the ports of one party on vessels of the other than are or shall be payable in the same ports by national vessels.

Duties, charges, &c.

ARTICLE VII.

Coasting trade reserved for citizens.

The preceding article is not applicable to the coasting trade of the contracting parties, which is respectively reserved by each exclusively for its own citizens.

Discharge of vessels.

But vessels of either country shall be allowed to discharge a part of their cargoes at one port, and proceed to any other port or ports in the territories of the other to discharge the remainder, without paying higher or other port charges or tonnage dues than would be paid by national vessels in such cases, so long as this liberty shall be conceded to any foreign vessels by the laws of both countries.

ARTICLE VIII.

What to be deemed Dominican vessels.

For the better understanding of the preceding stipulations, it has been agreed that every vessel belonging exclusively to a citizen or citizens of the Dominican Republic, and whose captain is also a citizen of the same, such vessel having also complied with all the other requisites established by law to acquire such national character, though the construction and crew are or may be foreign, shall be considered, for all the objects of this treaty, as a Dominican vessel.

ARTICLE IX.

No higher or other duties on imports.

No higher or other duty shall be imposed on the importation into the United States of any article the growth, produce, or manufacture of the Dominican Republic, or of her fisheries; and no higher or other duty shall be imposed on the importation into the Dominican Republic of any article the growth, produce, or manufacture of the United States, or their fisheries, than are or shall be payable on the like articles the growth, produce, or manufacture of any other foreign country, or its fisheries.

On exports.

No other or higher duties or charges shall be imposed in the United States on the exportation of any article to the Dominican Republic, nor in the Dominican Republic on the exportation of any article to the United States, than such as are or shall be payable on the exportation of the like article to any other foreign country.

No prohibition that does not apply to all other countries.

No prohibition shall be imposed on the importation of any article the growth, produce, or manufacture of the United States or their fisheries, or of the Dominican Republic and her fisheries, from or to the ports of the United States or the Dominican Republic, which shall not equally extend to every other foreign country.

ARTICLE X.

Discriminating duties.

Should one of the high contracting parties hereafter impose discriminating duties upon the products of any other nation, the other party shall be at liberty to determine the manner of establishing the origin of its own products intended to enter the country by which the discriminating duties are imposed.

ARTICLE XI.

Wrecks.

When any vessel of either party shall be wrecked, stranded, or otherwise damaged on the coasts or within the jurisdiction of the other, their respective citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the accident happened, and they shall be liable to pay the same charges and dues of salvage as the said inhabitants would be liable to pay in a like case.

Cargo of stranded vessels unladen for repairs.

If the repairs which a stranded vessel may require shall render it necessary that the whole or any part of her cargo should be unloaded, no duties of customs, charges, or fees on such cargo as may be carried away shall be paid, except such as are payable in like case by national vessels. It is understood, nevertheless, that if, while the vessel is under repair, the cargo shall be unladen and kept in a place of deposit destined for the reception of goods,

the duties on which have not been paid, the cargo shall be liable to the charges and fees lawfully due to the keepers of such warehouses.

ARTICLE XII.

It shall be lawful for the citizens of either country to sail with their ships and merchandise (contraband goods always excepted) from any port whatever, to any port of the enemy of the other, and to sail and trade with their ships and merchandise, with perfect security and liberty, from the countries, ports, and places of those who are enemies of either party, without any opposition or disturbance whatsoever, and to pass not only directly from the places and ports of the enemy aforementioned, to neutral ports and places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be or be not under the jurisdiction of the same power, unless such ports or places be effectively blockaded, besieged, or invested.

Trading from and to enemies' ports.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is either besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but she shall not be detained, nor any part of her cargo, if not contraband, be confiscated, unless, after notice of such blockade or investment, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper; provided the same be not blockaded, besieged, or invested. Nor shall any vessel of either of the parties that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo, nor, if found therein after the reduction and surrender of such place, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

Blockaded ports.

ARTICLE XIII.

The liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband of war, and under this name shall be comprehended.—

Contraband of war.

1. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, grenades, bombs, powder, matches, balls, and everything belonging to the use of arms.
2. Bucklers, helmets, breast-plates, coats of mail, accoutrements, and clothes made up in military form and for military use.
3. Cavalry belts and horses, with their harness.
4. And, generally, all offensive or defensive arms made of iron, steel, brass, copper, or of any other material prepared and formed to make war by land or at sea.

ARTICLE XIV.

All other merchandises and things not comprehended in the articles of contraband explicitly enumerated and classified as above shall be held and considered as free, and subjects of free and lawful commerce, so that they be carried and trans-

Articles not enumerated as contraband to be held as free.

ported in the freest manner by the citizens of both the contracting parties, even to places belonging to an enemy, excepting only those places which are at the time besieged or blockaded.

ARTICLE XV.

Declaration of principles.

The two high contracting parties recognize as permanent and immutable the following principles, to wit:

Free ships make free goods.

1. That free ships make free goods; that is to say, that the effects or goods belonging to subjects or citizens of a power or State at war are free from capture or confiscation when found on board neutral vessels, with the exception of articles contraband of war.

Neutral property on enemies' vessels.

2. That the property of neutrals on board of an enemy's vessel is not subject to confiscation, unless the same be contraband of war.

The like neutrality shall be extended to persons who are on board a neutral ship with this effect, that although they may be enemies of both or either party, they are not to be taken out of that ship, unless they are officers or soldiers, and in the actual service of the enemy. The contracting parties engage to apply these principles to the commerce and navigation of all such powers and States as shall consent to adopt them as permanent and immutable.

ARTICLE XVI.

Merchant vessels in time of war bound to an enemies' port to exhibit passports and certificates.

In time of war the merchant ships belonging to the citizens of either of the contracting parties, which shall be bound to a port of the enemy of one of the parties, and concerning whose voyage and the articles of their cargo there shall be just grounds of suspicion, shall be obliged to exhibit, as well upon the high seas as in the ports or roads, not only their passports, but likewise their certificates, showing that their goods are not of the quality of those which are specified to be contraband in the thirteenth article of the present convention.

ARTICLE XVII.

Passports in time of war.

And that captures on light suspicions may be avoided, and injuries thence arising prevented, it is agreed that when one party shall be engaged in war, and the other party be neutral, the ships of the neutral party shall be furnished with passports, that it may appear thereby that the ships really belong to the citizens of the neutral party; they shall be valid for any number of voyages, but shall be renewed every year; that is, if the ship happens to return home in the space of a year. If the ships are laden they shall be provided, not only with the passports above mentioned, but also with certificates, so that it may be known whether they carry any contraband goods. No other paper shall be required, any usage or ordinance to the contrary notwithstanding. And if it shall not appear from the said certificates that there are contraband goods on board, the ships shall be permitted to proceed on their voyage. If it shall appear from the certificates that there are contraband goods on board any such ship, and the commander of the same shall offer to deliver them up, the offer shall be accepted, and a receipt for the same shall be given, and the ship shall be at liberty to pursue its voyage unless the quantity of

Certificates.

the contraband goods be greater than can conveniently be received on board the ship of war or privateer, in which case, as in all other cases of just detention, the ship shall be carried into the nearest safe and convenient port for the delivery of the same.

If any ship shall not be furnished with such passport or certificates as are above required for the same, such case may be examined by a proper judge or tribunal; and if it shall appear from other documents or proofs, admissible by the usage of nations, that the ship belongs to the citizens or subjects of the neutral party, it shall not be confiscated, but shall be released with her cargo, (contraband goods excepted,) and be permitted to proceed on her voyage.

Cases when ships have not passports and certificates to be examined, &c.

If the master of a ship, named in the passport, should happen to die or be removed by any other cause, and another put in his place, the ship and cargo shall, nevertheless, be equally secure and the passport remain in full force.

Provision in case of master's death.

ARTICLE XVIII.

In order to prevent all kinds of disorder in the visiting and examination of the vessels and cargoes of both the contracting parties on the high seas, it is hereby agreed that whenever a ship of war shall meet with a neutral of the other contracting party, the first shall remain at a convenient distance, and may send its boats, with two or three men only, in order to execute the examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, for which the commanders of the said armed ships shall be responsible with their persons and property; for which purpose the commanders of all private armed vessels shall, before receiving their commissions, give sufficient security to answer for all damages they may commit; and it is hereby agreed and understood that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other purpose whatever.

Visiting, &c., of vessels, &c., on the high seas.

ARTICLE XIX.

It is expressly agreed by the high contracting parties that the stipulations above mentioned, relative to the conduct to be observed on the sea by the cruisers of the belligerent party towards the ships of the neutral party, shall be applicable only to ships sailing without convoy, and when the said ships shall be convoyed, it being the intention of the parties to observe all the regards due to the protection of the flag displayed by public ships, it shall not be lawful to visit them; but the verbal declaration of the commander of the convoy that the ships he convoys belong to the nation whose flag he carries, and that they have no contraband goods on board, shall be considered by the respective cruisers as fully sufficient; the two parties reciprocally engaging not to admit under the protection of their convoys ships which shall have on board contraband goods destined to an enemy.

Rules to apply only to ships sailing without convoy.

ARTICLE XX.

In all cases where vessels shall be captured or detained, to be carried into port under pretence of carrying to the enemy contraband goods, the captor shall give a receipt for such of the papers of the vessel as he shall retain, which receipt

Provisions in case of capture or detention.

shall be annexed to a copy of the said papers; and it shall be unlawful to break up or open the hatches, chests, trunks, casks, bales, or vessels found on board, or remove the smallest part of the goods, unless the lading be brought on shore in presence of the competent officers, and an inventory be made by them of the same. Nor shall it be lawful to sell, exchange, or alienate the said articles of contraband in any manner, unless there shall have been lawful process, and the competent judge or judges shall have pronounced against such goods sentence of confiscation.

ARTICLE XXI.

Same subject.

And in such time of war, that proper care may be taken of the vessel and cargo, and embezzlement prevented, it is agreed that it shall not be lawful to remove the master, commander, or supercargo of any captured ship from on board thereof, during the time the ship may be at sea after her capture, or pending the proceedings against her, or her cargo, or anything relating thereto; and in all cases where a vessel of the citizens of either party shall be captured or seized and held for adjudication, her officers, passengers, and crew shall be hospitably treated. They shall not be imprisoned or deprived of any part of their wearing apparel, nor of the possession and use of their money, not exceeding for the captain, supercargo, mate, and passengers five hundred dollars each, and for the sailors one hundred dollars each.

ARTICLE XXII.

Courts for prize causes.

It is further agreed that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either of the parties shall pronounce judgment against any vessel or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of the said vessel without any delay, he paying the legal fees for the same.

ARTICLE XXIII.

No duty, &c., on prize ships, &c.

When the ships of war of the two contracting parties, or those belonging to their citizens, which are armed in war, shall be admitted to enter with their prizes the ports of either of the two parties, the said public or private ships, as well as their prizes, shall not be obliged to pay any duty either to the officers of the place, the judges, or any others; nor shall such prizes, when they come to and enter the ports of either party, be arrested, or seized, nor shall the officers of the place make examination concerning the lawfulness of such prizes, but they may hoist sail at any time and depart and carry their prizes to the places expressed in their commissions, which the commanders of such ships of war shall be obliged to show. It is understood, however, that the privileges conferred by this article shall not extend beyond those allowed by law or by treaty with the most favored nations.

ARTICLE XXIV.

Privateers of hostile powers.

It shall not be lawful for any foreign privateers who have commissions from any prince or State in enmity with either nation, to fit their ships in the ports of either, to sell their prizes, or in any manner to exchange them; neither shall they be allowed to pur

chase provisions, except such as shall be necessary to their going to the next port of that prince or State from which they have received their commissions.

ARTICLE XXV.

No citizen of the Dominican Republic shall apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the said United States, or any of them, or against the citizens, people, or inhabitants of the said United States, or any of them, or against the property of any of the inhabitants of any of them, from any prince or State with which the said United States shall be at war; nor shall any citizen or inhabitant of the said United States, or any of them, apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the citizens or inhabitants of the Dominican Republic, or any of them, or the property of any of them, from any prince or State with which the said republic shall be at war; and if any person of either nation shall take such commissions of letters of marque, he shall be punished according to their respective laws.

Further provisions as to privateers.

ARTICLE XXVI.

The high contracting parties grant to each other the liberty of having in the ports of the other Consuls or Vice-Consuls of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nation; but if any of the said Consuls or Vice-Consuls shall carry on trade, they shall be subjected to the same laws and usages to which private individuals of their nation are subjected in the same place.

Consuls, Vice-Consuls, &c.

It is understood that whenever either of the two contracting parties shall select a citizen of the other for a Consular Agent to reside in any ports or commercial places of the latter, such Consul or Agent shall continue to be regarded, notwithstanding his quality of a foreign Consul, as a citizen of the nation to which he belongs, and consequently shall be subject to the laws and regulations to which natives are subjected in the place of his residence. This obligation, however, shall in no respect embarrass the exercise of his consular functions or affect the inviolability of the consular archives.

Residence.

The said Consuls and Vice-Consuls shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessel belonging to the nation whose interests are committed to their charge without the interference of the local authorities, unless their assistance should be required, or the conduct of the crews or of the captain should disturb the order or tranquillity of the country. It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

The said Consuls and Vice-Consuls are authorized to require the assistance of the local authorities for the arrest and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand such deserters, proving, by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and on this claim being substanti-

Deserters from vessels.

ated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the Consuls and Vice-Consuls, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months of the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause. However, if the deserter shall be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be pending shall have pronounced its sentence, and such sentence shall have been carried into effect.

ARTICLE XXVII.

Extradition of criminals.

The United States of America and the Dominican Republic, on requisitions made in their name through the medium of their respective Diplomatic and Consular Agents, shall deliver up to justice persons who, being charged with the crimes enumerated in the following article, committed within the jurisdiction of the requiring party, shall seek asylum, or shall be found within the territories of the other: *Provided*, That this shall be done only when the fact of the commission of the crime shall be so established as to justify their apprehension and commitment for trial, if the crime had been committed in the country where the persons so accused shall be found; in all of which the tribunals of said country shall proceed and decide according to their own laws.

Proviso.

ARTICLE XXVIII.

Crimes for which surrender is to be made.

Persons shall be delivered up according to the provisions of this convention, who shall be charged with any of the following crimes, to wit: Murder, (including assassination, parricide, infanticide, and poisoning;) attempt to commit murder; rape; forgery; the counterfeiting of money; arson; robbery with violence, intimidation, or forcible entry of an inhabited house; piracy; embezzlement by public officers, or by persons hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment.

ARTICLE XXIX.

Surrender how to be made. Expenses.

On the part of each country the surrender shall be made only by the authority of the Executive thereof. The expenses of detention and delivery, effected in virtue of the preceding articles, shall be at the cost of the party making the demand.

ARTICLE XXX.

No surrender for political offenses.

The provisions of the aforegoing articles relating to the surrender of fugitive criminals shall not apply to offences committed before the date hereof, nor to those of a political character.

ARTICLE XXXI.

Convention to last for eight years.

This convention is concluded for the term of eight years, dating from the exchange of the ratifications; and if one year before the expiration of that period neither of the contracting parties shall have announced, by an official notification, its intention to the

other to arrest the operations of said convention, it shall continue binding for twelve months longer, and so on, from year to year, until the expiration of the twelve months which will follow a similar declaration, whatever the time at which it may take place. Continuance

ARTICLE XXXII.

This convention shall be submitted on both sides to the approval and ratification of the respective competent authorities of each of the contracting parties, and the ratifications shall be exchanged at Santo Domingo as soon as circumstances shall admit. Convention to be ratified.

In faith whereof the respective Plenipotentiaries have signed the aforegoing articles, in the English and Spanish languages, and they have hereunto affixed their seals.

Done in duplicate at the city of Santo Domingo, this eighth day of February, in the year of our Lord one thousand eight hundred and sixty-seven.

JNO. SOMERS SMITH. [L. S.]
JOSÉ G. GARCIA. [L. S.]
JUAN R. FIALLO. [L. S.]

ECUADOR.

ECUADOR, 1839.

TREATY WITH ECUADOR, CONCLUDED JUNE 13, 1839; RATIFICATIONS EXCHANGED AT QUITO APRIL 9, 1842; PROCLAIMED SEPTEMBER 23, 1842.

Treaty of peace, friendship, navigation, and commerce between the United States of America and the Republic of Ecuador.

The United States of America and the Republic of Ecuador, desiring to make lasting and firm the friendship and good understanding which happily prevails between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall in future be religiously observed between the one and the other, by means of a treaty of friendship, commerce, and navigation. For this most desirable object the President of the United States of America has conferred full powers on James C. Pickett, a citizen of the said States, and the President of the Republic of Ecuador, on Doctor Luis de Saá, Minister of Finance, charged with the Department of the Interior and Foreign Relations; who, after having exchanged their said full powers in due and proper form, have agreed to the following articles:

ARTICLE I.

To be a peace and friendship.

There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic of Ecuador, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places.

ARTICLE II.

Favors granted by either, to other nations, to be common to the other.

The United States of America and the Republic of Ecuador, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations in respect of commerce and navigation which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or, on allowing the same compensation, if the concession was conditional.

ARTICLE III.

Mutual benefits in trade and residence to be equally enjoyed.

The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside and trade there in all kinds of produce, manufactures, and merchandise; and they shall

enjoy all the rights, privileges, and exemptions in navigation and commerce which native citizens do or shall enjoy, submitting themselves to the laws, decrees, and usages there established, to which native citizens are subjected; but it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties respectively, according to their own separate laws. And it is further agreed that this article shall be subject to the following modification: That whereas, by a law of Ecuador of March 21st, 1837, vessels built in the dock-yard of Guayaquil shall be exempted from various charges, therefore vessels of the United States cannot claim this privilege, but shall enjoy it if it should be granted to vessels belonging to Spain, or to Mexico, and to the other Hispano-American Republics.

Privileges granted to vessels built in the dock-yard at Guayaquil.

ARTICLE IV.

They likewise agree that whatever kind of produce, manufactures, or merchandise of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may be also imported in the vessels of the Republic of Ecuador; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied and collected, whether the importation be made in the vessels of the one country or of the other; and, in like manner, that whatever kind of produce, manufactures, or merchandise of any foreign country can be, from time to time, lawfully imported into the Republic of Ecuador in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or of the other. And they agree that whatever may be lawfully exported or re-exported from the one country in its own vessels, to any foreign country, may, in like manner, be exported or re-exported in the vessels of the other country. And the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of the Republic of Ecuador.

Equalization of duties on vessels and their cargoes.

Vessels of both nations on the same footing as to exportations, drawbacks thereon, &c.

ARTICLE V.

For the better understanding of the preceding article, and taking into consideration the actual state of the commercial marine of Ecuador, it has been stipulated and agreed that all vessels belonging exclusively to a citizen or citizens of said Republic, and whose captain is also a citizen of the same, though the construction or the crew are or may be foreign, shall be considered, for all the objects of this treaty, as an Ecuadorian vessel.

What shall be considered Ecuadorian vessels.

ARTICLE VI.

No higher or other duties shall be imposed on the importation into the United States of any articles, the produce or manufactures of the Republic of Ecuador; and no higher or other duties shall be imposed on the importation into the Republic of Ecuador of any articles, the produce or manufactures of the United States, than are or shall be payable on the like articles, being the produce or manufactures of any other foreign country; nor shall any higher

Importations and exportations to be on a reciprocal footing.

or other duties or charges be imposed in either of the two countries, on the exportation of any articles to the United States or to the Republic of Ecuador, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles the produce or manufactures of the United States or of the Republic of Ecuador, to or from the territories of the United States, or to or from the territories of the Republic of Ecuador, which shall not equally extend to all other nations.

No partial prohibitions to be established.

ARTICLE VII.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries, to manage themselves their own business in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise by wholesale or retail, as with respect to the loading, unloading, and sending off their ships; they being in all these cases to be treated as citizens of the country in which they reside, or, at least, to be placed on a footing with the subjects or citizens of the most favored nation. They shall be subject, however, to such general taxes and contributions as are or may be established by law.

Citizens of either free to manage their own business in the country of the other; to be treated as citizens thereof.

ARTICLE VIII.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandises, or effects for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

No embargo, &c., without indemnification.

ARTICLE IX.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other, with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

Vessels seeking refuge from stress of weather, &c., to be protected, &c.

ARTICLE X.

All the ships, merchandise, and the effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving, in due and proper form, their rights before the competent tribunals, it being well understood that the claim should be made within the term of one year by the parties themselves, their attorneys, or agents of their respective Governments.

Captures by pirates to be restored.

ARTICLE XI.

When any vessels belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost, or contribution whatever, unless they be destined for consumption.

Wrecks.

ARTICLE XII.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and they may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their will, paying such duties only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same as they may think proper, and to withdraw the proceeds without molestation, nor any other charges than those which are imposed by the laws of the country.

Citizens of either party may dispose of their personal goods within the jurisdiction of the other.

In case of real estate

ARTICLE XIII.

Both the contracting parties promise and engage, formally, to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited on the said trials.

Protection to persons and property.

ARTICLE XIV.

It is likewise agreed that the most perfect and entire security of conscience may be enjoyed by the citizens of both the contracting parties, in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying-grounds, or in other decent or suitable places, and shall be protected from violation or disturbance.

Liberty of conscience, and the rites of burial, secured.

ARTICLE XV.

Both parties at liberty to trade with those at enmity with either, &c.

It shall be lawful for the citizens of the United States of America and of the Republic of Ecuador to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandises laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with their ships and merchandises before mentioned, and to trade with the same liberty and security from the places, ports, and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever; not only directly from the places of the enemy before mentioned, to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several. And it is hereby stipulated, that free ships shall also give freedom to goods, and that everything shall be deemed free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty shall be extended to persons who are on board a free ship, with this effect, that, although they may be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers or soldiers, and in the actual service of the enemies: *Provided, however*, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognize this principle; but if either of the two contracting parties shall be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

Free ships to free goods — contraband excepted.

ARTICLE XVI.

When enemy's property, to be protected by a neutral flag, must be shipped.

It is likewise agreed, that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulations, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and, as such, shall be liable to detention and confiscation; except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree, that six months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case, the goods and merchandises of the neutral, embarked in such enemy's ship, shall be free.

ARTICLE XVII.

Contraband specified.

This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended:

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets,

fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and grenades; bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2nd. Bucklers, helmets, breastplates, coats of mail, infantry belts, and clothes made up in military form, and for military use.

3rd. Cavalry belts, and horses with their furniture.

4th. And, generally, all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed expressly to make war, by sea or land.

ARTICLE XVIII.

All other merchandises and things not comprehended in the articles of contraband explicitly enumerated and classified as above shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner, by the citizens of both the contracting parties, even to places belonging to an enemy, excepting only those places which are, at that time, besieged or blockaded; and to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of a neutral.

Goods not contraband.

Definition of a blockade.

ARTICLE XIX.

The articles of contraband before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they may see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great, or of so large a bulk, that they cannot be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment, according to law.

Contraband only liable to confiscation.

ARTICLE XX.

And whereas it frequently happens that vessels sail for a port or places belonging to an enemy, without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment, from any officer commanding a vessel of the blockading forces, they shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper.

In cases of blockade, vessels to be notified but not detained, &c.

Nor shall any vessel of either, that may have entered into such port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo; nor, if found therein, after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

Vessels entering before blockade may quit unmolested.

ARTICLE XXI.

During a visit at sea, armed vessels to remain out of cannon-shot, how examination to be made.

In order to prevent all kinds of disorder, in the visiting and examination of the ships and cargoes of both the contracting parties, on the high seas, they have agreed, mutually, that, whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon-shot, and may send its boats with two or three men only, in order to execute the said examination of the papers, concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill treatment, for which the commanders of the said armed ships shall be responsible with their persons and property, for which purpose the commanders of the said private armed vessel shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit; and it is expressly agreed that the neutral party shall, in no case, be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other purpose whatever.

ARTICLE XXII.

In case of war, sea-letters, certificates of cargo, &c., to be furnished, showing to whom the property belongs.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property, and bulk of the ships; as also the name and place of habitation of the master and commander of said vessel, in order that it may thereby appear that said ship truly belongs to the citizens of one of the parties. They have likewise agreed, that such ships being laden, besides the said sea-letters or passports, shall also be provided with certificates containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without such requisites said vessels may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be proved to be owing to accident, and satisfied or supplied by testimony entirely equivalent.

ARTICLE XXIII.

Visiting regulations apply only to vessels without convoy.

It is further agreed that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ARTICLE XXIV.

Prize causes to be tried in the established courts only.

It is further agreed that, in all cases, the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them; and whenever such tribunals, of either party, shall pronounce judg-

ment against any vessel, or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

Decree of condemnation to set forth the reasons thereof.

ARTICLE XXV.

Whenever one of the contracting parties shall be engaged in war with another state, no citizen of the other contracting party shall accept a commission or letter of marque, for the purpose of assisting or co-operating hostilely with the said enemy, against the said party so at war, under the pain of being considered as a pirate.

Citizens of neither party to engage in the service of an enemy of the other

ARTICLE XXVI.

If by any fatality, which cannot be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe-conduct necessary for it, which may serve as a sufficient protection, until they arrive at the designated port. The citizens of all other occupations, who may be established in the territories or dominions of the United States and the Republic of Ecuador, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

In case of war, merchants allowed time to arrange their business, and transport their effects, &c.

Citizens of other occupations to be protected.

ARTICLE XXVII.

Neither the debts due from individuals of the one nation to the individuals of the other, nor shares, nor moneys, which they may have in public funds, nor in public nor private banks, shall ever, in any event of war, or of national difference, be sequestered or confiscated.

No confiscations in case of war.

ARTICLE XXVIII.

Both the contracting parties, being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the envoys, ministers, and other public agents, the same favors, immunities, and exemptions which those of the most favored nation do or shall enjoy; it being understood, that whatever favors, immunities, or privileges, the United States of America or the Republic of Ecuador may find it proper to give to the ministers and other public agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

Ministers and other public agents to enjoy the same favors as those of the most favored nation.

ated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the Consuls and Vice-Consuls, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months of the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause. However, if the deserter shall be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be pending shall have pronounced its sentence, and such sentence shall have been carried into effect.

Article XXVII.

Extradition of criminals.

The United States of America and the Dominican Republic, on requisitions made in their name through the medium of their respective Diplomatic and Consular Agents, shall deliver up to justice persons who, being charged with the crimes enumerated in the following article, committed within the jurisdiction of the requiring party, shall seek asylum, or shall be found within the territories of the other: *Provided*, That this shall be done only when the fact of the commission of the crime shall be so established as to justify their apprehension and commitment for trial, if the crime had been committed in the country where the persons so accused shall be found; in all of which the tribunals of said country shall proceed and decide according to their own laws.

Proviso.

Article XXVIII.

Crimes for which surrender is to be made.

Persons shall be delivered up according to the provisions of this convention, who shall be charged with any of the following crimes, to wit: Murder, (including assassination, parricide, infanticide, and poisoning;) attempt to commit murder; rape; forgery; the counterfeiting of money; arson; robbery with violence, intimidation, or forcible entry of an inhabited house; piracy; embezzlement by public officers, or by persons hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment.

Article XXIX.

Surrender how to be made. Expenses.

On the part of each country the surrender shall be made only by the authority of the Executive thereof. The expenses of detention and delivery, effected in virtue of the preceding articles, shall be at the cost of the party making the demand.

Article XXX.

No surrender for political offenses.

The provisions of the aforegoing articles relating to the surrender of fugitive criminals shall not apply to offences committed before the date hereof, nor to those of a political character.

Article XXXI.

Convention to last for eight years.

This convention is concluded for the term of eight years, dating from the exchange of the ratifications; and if one year before the expiration of that period neither of the contracting parties shall have announced, by an official notification, its intention to the

other to arrest the operations of said convention, it shall continue binding for twelve months longer, and so on, from year to year, until the expiration of the twelve months which will follow a similar declaration, whatever the time at which it may take place.

Continuance

ARTICLE XXXII.

This convention shall be submitted on both sides to the approval and ratification of the respective competent authorities of each of the contracting parties, and the ratifications shall be exchanged at Santo Domingo as soon as circumstances shall admit.

Convention to be ratified.

In faith whereof the respective Plenipotentiaries have signed the aforegoing articles, in the English and Spanish languages, and they have hereunto affixed their seals.

Done in duplicate at the city of Santo Domingo, this eighth day of February, in the year of our Lord one thousand eight hundred and sixty-seven.

JNO. SOMERS SMITH. [L. S.]
JOSÉ G. GARCIA. [L. S.]
JUAN R. FIALLO. [L. S.]

ECUADOR.

ECUADOR, 1839.

TREATY WITH ECUADOR, CONCLUDED JUNE 13, 1839; RATIFICATIONS EXCHANGED AT QUITO APRIL 9, 1842; PROCLAIMED SEPTEMBER 23, 1842.

Treaty of peace, friendship, navigation, and commerce between the United States of America and the Republic of Ecuador.

The United States of America and the Republic of Ecuador, desiring to make lasting and firm the friendship and good understanding which happily prevails between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall in future be religiously observed between the one and the other, by means of a treaty of friendship, commerce, and navigation. For this most desirable object the President of the United States of America has conferred full powers on James C. Pickett, a citizen of the said States, and the President of the Republic of Ecuador, on Doctor Luis de Saá, Minister of Finance, charged with the Department of the Interior and Foreign Relations; who, after having exchanged their said full powers in due and proper form, have agreed to the following articles:

ARTICLE I.

To be a peace and friendship.

There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic of Ecuador, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places.

ARTICLE II.

Favors granted by either, to other nations, to be common to the other.

The United States of America and the Republic of Ecuador, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations in respect of commerce and navigation which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or, on allowing the same compensation, if the concession was conditional.

ARTICLE III.

Mutual benefits in trade and residence to be equally enjoyed.

The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside and trade there in all kinds of produce, manufactures, and merchandise; and they shall

enjoy all the rights, privileges, and exemptions in navigation and commerce which native citizens do or shall enjoy, submitting themselves to the laws, decrees, and usages there established, to which native citizens are subjected; but it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties respectively, according to their own separate laws. And it is further agreed that this article shall be subject to the following modification: That whereas, by a law of Ecuador of March 21st, 1837, vessels built in the dock-yard of Guayaquil shall be exempted from various charges, therefore vessels of the United States cannot claim this privilege, but shall enjoy it if it should be granted to vessels belonging to Spain, or to Mexico, and to the other Hispano-American Republics.

Privileges granted to vessels built in the dock-yard at Guayaquil.

Article IV.

They likewise agree that whatever kind of produce, manufactures, or merchandise of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may be also imported in the vessels of the Republic of Ecuador; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied and collected, whether the importation be made in the vessels of the one country or of the other; and, in like manner, that whatever kind of produce, manufactures, or merchandise of any foreign country can be, from time to time, lawfully imported into the Republic of Ecuador in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or of the other. And they agree that whatever may be lawfully exported or re-exported from the one country in its own vessels, to any foreign country, may, in like manner, be exported or re-exported in the vessels of the other country. And the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of the Republic of Ecuador.

Equalization of duties on vessels and their cargoes.

Vessels of both nations on the same footing as to exportations, drawbacks thereon, &c.

Article V.

For the better understanding of the preceding article, and taking into consideration the actual state of the commercial marine of Ecuador, it has been stipulated and agreed that all vessels belonging exclusively to a citizen or citizens of said Republic, and whose captain is also a citizen of the same, though the construction or the crew are or may be foreign, shall be considered, for all the objects of this treaty, as an Ecuadorian vessel.

What shall be considered Ecuadorian vessels.

Article VI.

No higher or other duties shall be imposed on the importation into the United States of any articles, the produce or manufactures of the Republic of Ecuador; and no higher or other duties shall be imposed on the importation into the Republic of Ecuador of any articles, the produce or manufactures of the United States, than are or shall be payable on the like articles, being the produce or manufactures of any other foreign country; nor shall any higher

Importations and exportations to be on a reciprocal footing.

or other duties or charges be imposed in either of the two countries, on the exportation of any articles to the United States or to the Republic of Ecuador, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles the produce or manufactures of the United States or of the Republic of Ecuador, to or from the territories of the United States, or to or from the territories of the Republic of Ecuador, which shall not equally extend to all other nations.

No partial prohibitions to be established.

ARTICLE VII.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries, to manage themselves their own business in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise by wholesale or retail, as with respect to the loading, unloading, and sending off their ships; they being in all these cases to be treated as citizens of the country in which they reside, or, at least, to be placed on a footing with the subjects or citizens of the most favored nation. They shall be subject, however, to such general taxes and contributions as are or may be established by law.

Citizens of either free to manage their own business in the country of the other; to be treated as citizens thereof.

ARTICLE VIII.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandises, or effects for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

No embargo, &c., without indemnification.

ARTICLE IX.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other, with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

Vessels seeking refuge from stress of weather, &c., to be protected, &c.

ARTICLE X.

All the ships, merchandise, and the effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving, in due and proper form, their rights before the competent tribunals, it being well understood that the claim should be made within the term of one year by the parties themselves, their attorneys, or agents of their respective Governments.

Captures by pirates to be restored.

ARTICLE XI.

When any vessels belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost, or contribution whatever, unless they be destined for consumption.

Wrecks.

ARTICLE XII.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and they may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their will, paying such duties only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same as they may think proper, and to withdraw the proceeds without molestation, nor any other charges than those which are imposed by the laws of the country.

Citizens of either party may dispose of their personal goods within the jurisdiction of the other.

In case of real estate

ARTICLE XIII.

Both the contracting parties promise and engage, formally, to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited on the said trials.

Protection to persons and property.

ARTICLE XIV.

It is likewise agreed that the most perfect and entire security of conscience may be enjoyed by the citizens of both the contracting parties, in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying-grounds, or in other decent or suitable places, and shall be protected from violation or disturbance.

Liberty of conscience, and the rites of burial, secured.

ARTICLE XV.

Both parties at liberty to trade with those at enmity with either, &c.

It shall be lawful for the citizens of the United States of America and of the Republic of Ecuador to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandises laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with their ships and merchandises before mentioned, and to trade with the same liberty and security from the places, ports, and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever; not only directly from the places of the enemy before mentioned, to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several. And it is hereby stipulated, that free ships shall also give freedom to goods, and that everything shall be deemed free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty shall be extended to persons who are on board a free ship, with this effect, that, although they may be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers or soldiers, and in the actual service of the enemies: *Provided, however*, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognize this principle; but if either of the two contracting parties shall be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

Free ships to free goods — contraband excepted.

ARTICLE XVI.

When enemy's property, to be protected by a neutral flag, must be shipped.

It is likewise agreed, that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulations, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and, as such, shall be liable to detention and confiscation; except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree, that six months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case, the goods and merchandises of the neutral, embarked in such enemy's ship, shall be free.

ARTICLE XVII.

Contraband specified.

This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended:

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets,

fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and grenades; bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2nd. Bucklers, helmets, breastplates, coats of mail, infantry belts, and clothes made up in military form, and for military use.

3rd. Cavalry belts, and horses with their furniture.

4th. And, generally, all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed expressly to make war, by sea or land.

Article XVIII.

All other merchandises and things not comprehended in the articles of contraband explicitly enumerated and classified as above shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner, by the citizens of both the contracting parties, even to places belonging to an enemy, excepting only those places which are, at that time, besieged or blockaded; and to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of a neutral.

Goods not contraband.

Definition of a blockade.

Article XIX.

The articles of contraband before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they may see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great, or of so large a bulk, that they cannot be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment, according to law.

Contraband only liable to confiscation.

Article XX.

And whereas it frequently happens that vessels sail for a port or places belonging to an enemy, without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment, from any officer commanding a vessel of the blockading forces, they shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper.

In cases of blockade, vessels to be notified but not detained, &c.

Nor shall any vessel of either, that may have entered into such port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo; nor, if found therein, after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

Vessels entering before blockade may quit unmolested.

ARTICLE XXI.

During a visit at sea, armed vessels to remain out of cannon-shot, how examination to be made.

In order to prevent all kinds of disorder, in the visiting and examination of the ships and cargoes of both the contracting parties, on the high seas, they have agreed, mutually, that, whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon-shot, and may send its boats with two or three men only, in order to execute the said examination of the papers, concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill treatment, for which the commanders of the said armed ships shall be responsible with their persons and property, for which purpose the commanders of the said private armed vessel shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit; and it is expressly agreed that the neutral party shall, in no case, be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other purpose whatever.

ARTICLE XXII.

In case of war, sea-letters, certificates of cargo, &c., to be furnished, showing to whom the property belongs.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property, and bulk of the ships; as also the name and place of habitation of the master and commander of said vessel, in order that it may thereby appear that said ship truly belongs to the citizens of one of the parties. They have likewise agreed, that such ships being laden, besides the said sea-letters or passports, shall also be provided with certificates containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without such requisites said vessels may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be proved to be owing to accident, and satisfied or supplied by testimony entirely equivalent.

ARTICLE XXIII.

Visiting regulations apply only to vessels without convoy.

It is further agreed that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ARTICLE XXIV.

Prize causes to be tried in the established courts only.

It is further agreed that, in all cases, the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them; and whenever such tribunals, of either party, shall pronounce judg-

ment against any vessel, or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

Decree of condemnation to set forth the reasons thereof.

ARTICLE XXV.

Whenever one of the contracting parties shall be engaged in war with another state, no citizen of the other contracting party shall accept a commission or letter of marque, for the purpose of assisting or co-operating hostilely with the said enemy, against the said party so at war, under the pain of being considered as a pirate.

Citizens of neither party to engage in the service of an enemy of the other

ARTICLE XXVI.

If by any fatality, which cannot be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe-conduct necessary for it, which may serve as a sufficient protection, until they arrive at the designated port. The citizens of all other occupations, who may be established in the territories or dominions of the United States and the Republic of Ecuador, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

In case of war, merchants allowed time to arrange their business, and transport their effects, &c.

Citizens of other occupations to be protected.

ARTICLE XXVII.

Neither the debts due from individuals of the one nation to the individuals of the other, nor shares, nor moneys, which they may have in public funds, nor in public nor private banks, shall ever, in any event of war, or of national difference, be sequestered or confiscated.

No confiscations in case of war.

ARTICLE XXVIII.

Both the contracting parties, being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the envoys, ministers, and other public agents, the same favors, immunities, and exemptions which those of the most favored nation do or shall enjoy; it being understood, that whatever favors, immunities, or privileges, the United States of America or the Republic of Ecuador may find it proper to give to the ministers and other public agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

Ministers and other public agents to enjoy the same favors as those of the most favored nation.

ARTICLE XXIX.

Consuls and Vice-Consuls admitted into ports open to foreign commerce.

To make more effectual the protection which the United States and the Republic of Ecuador shall afford in future, to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls and Vice-Consuls may not seem convenient.

ARTICLE XXX.

Consuls to exhibit their commissions and obtain exequaturs before they shall be considered as such.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and, having obtained their exequatur, they shall be held and considered as such, by all the authorities, magistrates and inhabitants in the consular district in which they reside.

ARTICLE XXXI.

Consuls, &c., exempt from certain taxes.

It is likewise agreed that the Consuls, their secretaries, officers, and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempted from all kinds of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside, are subject; being in everything besides subject to the laws of the respective states. The archives and papers of the consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

Their archives and papers inviolable.

ARTICLE XXXII.

Consuls may require the assistance of the authorities in securing deserters.

The said Consuls shall have power to require the assistance of the authorities of the country, for the arrest, detention, and custody of deserters from the public and private vessels of their country; and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing; proving by an exhibition of the register of the vessel's or ship's roll, or other public documents, that those men were part of the said crews, and on this demand, so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said Consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

Mode of proceeding.

Deserters, how to be disposed of.

ARTICLE XXXIII.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare especially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

A consular convention to be formed.

ARTICLE XXXIV.

It is further agreed, that the words, "most favored nation," that occur in this treaty, shall not be so construed as to prevent either of the contracting parties from concluding any treaty or convention with any other nation or State it may think proper, as freely and as fully as though said words were not used: *Provided, however*, That notwithstanding any such treaty or convention, the citizens of the United States shall be placed in Ecuador, with respect to navigation and commerce, upon an equal footing with the subjects of Spain and with the citizens of Mexico and of the other Hispano-American States, with which treaties have been or may be concluded; and that the citizens of Ecuador shall be entitled to enjoy, in the United States, the same rights and privileges, with respect to navigation and commerce, that the citizens of the United States enjoy, or shall enjoy, in Ecuador.

Construction to be put upon the words "most favored nation."

Proviso.

ARTICLE XXXV.

The United States of America and the Republic of Ecuador, desiring to make as durable as circumstances will permit the relations which are to be established between the two parties, by virtue of this treaty of peace, amity, commerce, and navigation, have declared solemnly and do agree to the following points:

Points agreed upon as to the duration of this treaty.

1st. The present treaty shall remain in full force and virtue for the term of twelve years, to be counted from the day of exchange of the ratifications, and further, until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of twelve years: And it is hereby agreed between them, that, on the expiration of one year after such notice shall have been received by either, from the other party, this treaty, in all its parts relative to commerce and navigation, shall altogether cease and determine, and in all those parts which relate to peace and friendship, it shall be perpetually and permanently binding on both powers.

Duration of treaty

2nd. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizen shall be held personally responsible for the same, and harmony and good correspondence between the two nations shall not be interrupted thereby, each party engaging in no way to protect the offender, or sanction such violation.

3rd. If, (what indeed cannot be expected,) unfortunately, any of the articles contained in the present treaty shall be violated or infringed in any way whatever, it is expressly stipulated that neither of the contracting parties will order or authorize any act of reprisal, nor declare war against the other on complaints of injuries or damages, until the said party considering itself offended shall first have presented to the other a state-

Reprisals not to be authorised, nor war declared, until justice has been demanded and refused, or unreasonably delayed.

ment of such injuries or damages, verified by competent proofs, and demanded justice, and the same shall have been either refused or unreasonably delayed.

4th. Nothing in this treaty shall, however, be construed or operate contrary to former and existing public treaties with other sovereigns and states.

The present treaty of peace, amity, commerce, and navigation, shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Ecuador, with the consent and approbation of the Congress of the same; and the ratifications shall be exchanged in the city of Quito, within three years, to be counted from the date of the signature hereof, or sooner if possible.

In faith whereof, we, the Plenipotentiaries of the United States of America and of the Republic of Ecuador, have signed and sealed these presents.

Done in the city of Quito on the thirteenth day of June, in the year of our Lord one thousand eight hundred and thirty-nine, and in the sixty-third year of the Independence of the United States of America and the twenty-ninth of that of the Republic of Ecuador.

J. C. PICKETT. [SEAL.]
LUIS DE SAA. [SEAL.]

ECUADOR, 1862.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF ECUADOR, FOR THE ADJUSTMENT OF CLAIMS. CONCLUDED AT GUAYAQUIL, NOVEMBER 25, 1862; RATIFICATIONS EXCHANGED AT QUITO, JULY 27, 1864; PROCLAIMED SEPTEMBER 8, 1864.

Contracting parties.

The United States of America and the Republic of Ecuador, desiring to adjust the claims of citizens of said States against Ecuador, and of citizens of Ecuador against the United States, have, for that purpose, appointed and conferred full powers, respectively, to wit:

The President of the United States on Frederick Hassaurek, Minister Resident of the United States in Ecuador, and the President of Ecuador on Juan José Flores, General-in-Chief of the Armies of the Republic;

Who, after exchanging their full powers, which were found in good and proper form, have agreed on the following articles:

ARTICLE I.

Claims between the contracting parties to be referred to commissioners.

All claims on the part of corporations, companies, or individuals, citizens of the United States, upon the Government of Ecuador, or of corporations, companies, or individuals, citizens of Ecuador, upon the Government of the United States, shall be referred to a Board of Commissioners, consisting of two members, one of whom shall be appointed by the Government of the United States, and one by the Government of Ecuador. In case of death, absence, resignation, or incapacity of either commissioner, or in the event of either commissioner omitting or ceasing to act, the Government of the United States or that of Ecuador, respectively, or the Minister of the United States in Ecuador, in the name of his Government, shall forthwith proceed to fill the vacancy

Appointment.

Vacancy.

thus occasioned. The commissioners so named shall meet in the city of Guayaquil within ninety days from the exchange of the ratifications of this convention, and before proceeding to business shall make solemn oath that they will carefully examine and impartially decide according to justice, and in compliance with the provisions of this convention, all claims that shall be submitted to them; and such oath shall be entered on the record of their proceedings.

Time of meeting.

Oath.

The commissioners shall then proceed to name an arbitrator or umpire, to decide upon any case or cases concerning which they may disagree, or upon any point of difference which may arise in the course of their proceedings. And if they cannot agree in the selection, the umpire shall be appointed by her Britannic Majesty's Chargé d'Affaires, or (excepting the Minister Resident of the United States) by any other diplomatic agent in Quito whom the two high contracting parties shall invite to make such appointment.

Umpire

Article II.

The arbitator or umpire being appointed, the commissioners shall, without delay, proceed to examine the claims which may be presented to them by either of the two Governments; and they shall hear, if required, one person in behalf of each Government on every separate claim. Each Government shall furnish, upon request of either commissioner, such papers in its possession as may be deemed important to the just determination of any claim or claims.

Examination of claims.

Papers to be furnished.

In cases where they agree to award an indemnity, they shall determine the amount to be paid. In cases in which said commissioners cannot agree, the points of difference shall be referred to the umpire, before whom each of the commissioners may be heard, and whose decision shall be final.

Amounts to be paid.

Article III.

The commissioners shall issue certificates of the sums to be paid to the claimants, respectively, whether by virtue of the awards agreed to between themselves or of those made by the umpire; and the aggregate amount of all sums decreed by the commissioners, and of all sums accruing from awards made by the umpire under the authority conferred by the fifth article, shall be paid to the Government to which the respective claimants belong. Payment of said sums shall be made in equal annual instalments, to be completed within nine years from the date of the termination of the labors of the commission, the first payment to be made six months after the same date. To meet these payments both Governments pledge the revenues of their respective nations.

Certificates of amounts awarded.

Payment.

Revenues pledged.

Article IV.

The commission shall terminate its labors in twelve months from the date of its organization. They shall keep a record of their proceedings, and may appoint a secretary versed in the knowledge of the English and Spanish languages.

End of commission.

Secretary.

ARTICLE V.

Proceedings to be conclusive as to pending claims.

Claims to be presented while commission exists.

Duty of umpire as to certain cases.

The proceedings of this commission shall be final and conclusive with respect to all pending claims. Claims which shall not be presented to the commission within the twelve months it remains in existence will be disregarded by both Governments, and considered invalid. In the event that, upon the termination of the labors of said commission, any case or cases should be pending before the umpire, and awaiting his decision, said umpire is hereby authorized to make his decision or award in such case or cases, and his certificate thereof in each case, transmitted to each of the two Governments, shall be held to be binding and conclusive: *Provided, however*, That his decision shall be given within thirty days from the termination of the labors of the commission, at the expiration of which thirty days his power and authority shall cease.

ARTICLE VI.

Pay of commissioners and of the umpire.

Each Government shall pay its own commissioner; but the umpire, as well as the incidental expenses of the commission, shall be paid one-half by the United States and the other half by Ecuador.

ARTICLE VII.

The present convention shall be ratified and the ratifications exchanged in the city of Quito.

In faith whereof, we, the respective Plenipotentiaries, have signed this convention and hereunto affixed our seals, in the city of Guayaquil, this twenty-fifth day of November, in the year of our Lord 1862.

F. HASSAUREK. [L. S.]
JUAN JOSÉ FLORES. [L. S.]

FRANCE.

FRANCE, 1778.

[An act of Congress approved July 7, 1798, (1 Statutes at Large, 578,) declared "that the United States are of right freed and exonerated from the stipulations of the treaties, and of the consular convention, heretofore concluded between the United States and France; and that the same shall not henceforth be regarded as legally obligatory on the Government or citizens of the United States."]

TREATY OF ALLIANCE BETWEEN THE UNITED STATES OF AMERICA AND HIS MOST CHRISTIAN MAJESTY.

The Most Christian King and the United States of North America, to wit: New Hampshire, Massachusetts Bay, Rhodes Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, having this day concluded a treaty of amity and commerce, for the reciprocal advantage of their subjects and citizens, have thought it necessary to take into consideration the means of strengtheming those engagements, and of rendring them useful to the safety and tranquility of the two parties; particularly in case Great Britain, in resentment of that connection and of the good correspondence which is the object of the said treaty, should break the peace with France, either by direct hostilities, or by hindring her commerce and navigation in a manner contrary to the rights of nations, and the peace subsisting between the two Crowns. And His Majesty and the said United States, having resolved in that case to join their councels and efforts against the enterprises of their common enemy, the respective Plenipotentiaries impowered to concert the clauses and conditions proper to fulfil the said intentions, have, after the most mature deliberation, concluded and determined on the following articles:

ARTICLE I.

If war should break out between France and Great Britain during the continuance of the present war between the United States and England, His Majesty and the said United States shall make it a common cause and aid each other mutually with their good offices, their counsels and their forces, according to the exigence of conjunctures, as becomes good and faithful allies.

If war break out with Great Britain, to be a common cause.

ARTICLE II.

The essential and direct end of the present defensive alliance is to maintain effectually the liberty, sovereignty, and independance absolute and unlimited, of the said United States, as well in matters of gouvernement as of commerce.

Object of the treaty, independence of the United States.

ARTICLE III.

Both parties to make every effort to attain that end.

The two contracting parties shall each on its own part, and in the manner it may judge most proper, make all the efforts in its power against their common enemy, in order to attain the end proposed.

ARTICLE IV.

Concurrence in enterprise.

The contracting parties agree that in case either of them should form any particular enterprise in which the concurrence of the other may be desired, the party whose concurrence is desired, shall readily, and with good faith, join to act in concert for that purpose, as far as circumstances and its own particular situation will permit; and in that case, they shall regulate, by a particular convention, the quantity and kind of succour to be furnished, and the time and manner of its being brought into action, as well as the advantages which are to be its compensation.

ARTICLE V.

Conquests that shall belong to the United States.

If the United States should think fit to attempt the reduction of the British power, remaining in the northern parts of America, or the islands of Bermudas, those contries or islands, in case of success, shall be confederated with or dependant upon the said United States.

ARTICLE VI.

France relinquishes all claim to certain countries, if conquered.

The Most Christian King renounces forever the possession of the islands of Bermudas, as well as of any part of the continent of North America, which before the treaty of Paris in 1763, or in virtue of that treaty, were acknowledged to belong to the Crown of Great Britain, or to the United States, heretofore called British Colonies, or which are at this time, or have lately been under the power of the King and Crown of Great Britain.

ARTICLE VII.

Conquests that shall belong to France.

If His Most Christian Majesty shall think proper to attack any of the islands situated in the Gulph of Mexico, or near that Gulph, which are at present under the power of Great Britain, all the said isles, in case of success, shall appertain to the Crown of France.

ARTICLE VIII.

Neither party to conclude a treaty without the other's consent, &c.

Neither of the two parties shall conclude either truce or peace with Great Britain without the formal consent of the other first obtained; and they mutually engage not to lay down their arms until the independence of the United States shall have been formally or tacitly assured by the treaty or treaties that shall terminate the war.

ARTICLE IX.

The contracting parties declare, that being resolved to fulfil each on its own part the clauses and conditions of the present treaty of alliance, according to its own power and circumstances, there shall be no after claim of compensation on one side or the other, whatever may be the event of the war.

No claim of compensation after the war

ARTICLE X.

The Most Christian King and the United States agree to invite or admit other powers who may have received injuries from England, to make common cause with them, and to accede to the present alliance, under such conditions as shall be freely agreed to and settled between all the parties.

To admit other powers to accede to the alliance.

ARTICLE XI.

The two parties guarantee mutually from the present time and forever against all other powers, to wit: The United States to His Most Christian Majesty, the present possessions of the Crown of France in America, as well as those which it may acquire by the future treaty of peace: And His Most Christian Majesty guarantees on his part to the United States their liberty, sovereignty, and independence, absolute and unlimited, as well in matters of government as commerce, and also their possessions, and the additions or conquests that their confederation may obtain during the war, from any of the dominions now, or heretofore possessed by Great Britain in North America, conformable to the 5th and 6th articles above written, the whole as their possessions shall be fixed and assured to the said States, at the moment of the cessation of their present war with England.

Mutual guaranty.

ARTICLE XII.

In order to fix more precisely the sense and application of the preceding article, the contracting parties declare, that in case of a rupture between France and England the reciprocal guarantee declared in the said article shall have its full force and effect the moment such war shall break out; and if such rupture shall not take place, the mutual obligations of the said guarantee shall not commence until the moment of the cessation of the present war between the United States and England shall have ascertained their possessions.

Guaranty when to commence.

ARTICLE XIII.

The present treaty shall be ratified on both sides, and the ratifications shall be exchanged in the space of six months, or sooner if possible.

Ratification.

In faith whereof the respective Plenipotentiaries, to wit: On the part of the Most Christian King, Conrad Alexander Gerard, Royal Syndic of the city of Strasbourgh, and Secretary of his Majesty's Council of State; and on the part of the United States, Benjamin Franklin, Deputy to the General Congress from the State of Pennsylvania, and President of the Convention of the same State, Silas Deane, heretofore Deputy from the State of Connecticut, and Arthur Lee, Councellor at Law, have signed

the above articles both in the French and English languages, declaring, nevertheless, that the present treaty was originally composed and concluded in the French language, and they have hereunto affixed their seals.

Done at Paris, this sixth day of February, one thousand seven hundred and seventy-eight.

C. A. GERARD. [L. S.]
B. FRANKLIN. [L. S.]
SILAS DEANE. [L. S.]
ARTHUR LEE. [L. S.]

TREATY OF AMITY AND COMMERCE BETWEEN THE UNITED STATES OF AMERICA AND HIS MOST CHRISTIAN MAJESTY.

February 6, 1778. Annulled by act of Congress of July 7, 1798, ch. 67.

The Most Christian King, and the thirteen United States of North America, to wit, New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, willing to fix in an equitable and permanent manner the rules which ought to be followed relative to the correspondence and commerce which the two parties desire to establish between their respective countries, States, and subjects, His Most Christian Majesty and the said United States have judged that the said end could not be better obtained than by taking for the basis of their agreement the most perfect equality and reciprocity, and by carefully avoiding all those burthensome preferences which are usually sources of debate, embarrassment, and discontent; by leaving, also, each party at liberty to make, respecting commerce and navigation, those interior regulations which it shall find most convenient to itself; and by founding the advantage of commerce solely upon reciprocal utility and the just rules of free intercourse; reserving withal to each party the liberty of admitting at its pleasure other nations to a participation of the same advantages. It is in the spirit of this intention, and to fulfil these views, that His said Majesty having named and appointed for his Plenipotentiary, Conrad Alexander Gerard, Royal Syndic of the city of Strasbourg, Secretary of His Majesty's Council of State; and the United States, on their part, having fully impowered Benjamin Franklin, Deputy from the State of Pennsylvania to the General Congress, and President of the Convention of said State, Silas Deane, late Deputy from the State of Connecticut, to the said Congress, and Arthur Lee, Councellor at Law; the said respective Plenipotentiaries, after exchanging their powers, and after mature deliberation, have concluded and agreed upon the following articles:

ARTICLE I.

Peace and friendship between the two nations.

There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between the Most Christian King, his heirs and successors, and the United States of America; and the subjects of the Most Christian King and of the said States; and between the countries, islands, cities, and towns situate under the jurisdiction of the Most Christian King and of the said United States, and the people and inhabitants of every degree, without exception of persons or places; and the terms hereinafter mentioned shall be perpetual between the Most Christian King, his heirs and successors, and the said United States.

ARTICLE II.

The Most Christian King and the United States engage mutually not to grant any particular favour to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same favour, freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

Neither party to grant favors to other nations that shall not become common to the other party.

ARTICLE III.

The subjects of the Most Christian King shall pay in the ports, havens, roads, countries, islands, cities, or towns, of the United States, or any of them, no other or greater duties or imposts, of what nature soever they may be, or by what name soever called, than those which the nations most favoured are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce, whether in passing from one port in the said States to another, or in going to and from the same, from and to any part of the world, which the said nations do or shall enjoy.

Subjects of the King of France entitled to the same privileges in the United States as the most favored nations.

ARTICLE IV.

The subjects, people, and inhabitants of the said United States, and each of them, shall not pay in the ports, havens, roads, isles, cities, and places under the domination of His Most Christian Majesty, in Europe, any other or greater duties or imposts, of what nature soever they may be, or by what name soever called, than those which the most favoured nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce, whether in passing from one port in the said dominions, in Europe, to another, or in going to and from the same, from and to any part of the world, which the said nations do or shall enjoy.

Citizens of the United States entitled to the same privileges in the dominions of France, as the most favored nations.

ARTICLE V.

In the above exemption is particularly comprised the imposition of 100 sols per ton, established in France on foreign ships; unless when the ships of the United States shall load with the merchandize of France for another port of the same dominion, in which case the said ships shall pay the duty above-mentioned so long as other nations the most favoured shall be obliged to pay it. But it is understood that the said United States, or any of them, are at liberty, when they shall judge it proper, to establish a duty equivalent in the same case.

Particular exemption.

ARTICLE VI.

The Most Christian King shall endeavour by all the means in his power to protect and defend all vessels and the effects belonging to the subjects, people, or inhabitants of the said United States, or any of them, being in his ports, havens, or roads, or on the seas near to his countries, islands, cities, or towns, and to recover and restore to the right owners, their agents or attornies, all such vessels and effects which shall be taken within his jurisdiction; and the ships of war of His Most Christian Majesty, or any convoy sailing under his authority, shall upon all occasions take

France to protect vessels of citizens of the United States in her jurisdiction, to restore them when captured, and to convoy vessels in certain cases.

under their protection all vessels belonging to the subjects, people, or inhabitants of the said United States, or any of them, and holding the same course, or going the same way, and shall defend such vessels, as long as they hold the same course or go the same way, against all attacks, force, and violence, in the same manner as they ought to protect and defend the vessels belonging to the subjects of the Most Christian King.

Article VII.

United States to do the same.

In like manner the said United States and their ships of war, sailing under their authority, shall protect and defend, conformable to the tenor of the preceding article, all the vessels and effects belonging to the subjects of the Most Christian King, and use all their endeavours to recover and cause to be restored the said vessels and effects that shall have been taken within the jurisdiction of the said United States, or any of them.

Article VIII.

The King of France to aid the United States to make treaties with the Barbary Powers.

The Most Christian King will employ his good offices and interposition with the King or Emperor of Morocco or Fez, the regencies of Algier, Tunis, and Tripoli, or with any of them; and also with every other Prince, State, or Power, of the coast of Barbary, in Africa, and the subjects of the said King, Emperor, States, and Powers, and each of them, in order to provide as fully and efficaciously as possible for the benefit, conveniency, and safety of the said United States, and each of them, their subjects, people, and inhabitants, and their vessels and effects against all violence, insult, attacks, or depredations on the part of the said Princes and States of Barbary, or their subjects.

Article IX.

Subjects of either party shall not fish in the dominions of the other.

The subjects, inhabitants, merchants, commanders of ships, masters, and mariners of the States, provinces, and dominions of each party respectively shall abstain and forbear to fish in all places possessed or which shall be possessed by the other party; the Most Christian King's subjects shall not fish in the havens, bays, creeks, roads, coasts, or places which the said United States hold or shall hereafter hold; and in like manner the subjects, people, and inhabitants of the said United States shall not fish in the havens, bays, creeks, roads, coasts, or places which the Most Christian King possesses or shall hereafter possess; and if any ship or vessel shall be found fishing contrary to the tenor of this treaty, the said ship or vessel, with its lading, proof being made thereof, shall be confiscated. It is, however, understood that the exclusion stipulated in the present article shall take place only so long and so far as the Most Christian King or the United States shall not in this respect have granted an exemption to some other nation.

Article X.

Citizens of United States shall not disturb subjects of France in their right of fishing on banks of Newfoundland.

The United States, their citizens and inhabitants, shall never disturb the subjects of the Most Christian King in the enjoyment and exercise of the right of fishing on the banks of Newfoundland, nor in the indefinite and exclusive right which belongs to them on that part of the coast of that island

which is designed by the treaty of Utrecht; nor in the rights relative to all and each of the isles which belong to His Most Christian Majesty; the whole conformable to the true sense of the treaties of Utrecht and Paris.

(a) ARTICLE XI.

Citizens of United States exempted from droit d'aubaine, and may dispose of their estate.

The subjects and inhabitants of the said United States, or any one of them, shall not be reputed aubains in France, and consequently shall be exempted from the droit d'aubaine, or other similar duty, under what name soever. They may by testament, donation, or otherwise, dispose of their goods, moveable and immoveable, in favour of such persons as to them shall seem good, and their heirs, subjects of the said United States, residing whether in France or elsewhere, may succeed them ab intestat, without being obliged to obtain letters of naturalization, and without having the effect of this concession contested or impeded under pretext of any rights or prerogative of provinces, cities, or private persons; and the said heirs

(a) The two following articles were originally agreed to, but afterwards rescinded, to wit:

ARTICLE XI.

It is agreed and concluded that there shall never be any duty imposed on the exportation of the melasses that may be taken by the subjects of any of the United States from the islands of America which belong or may hereafter appertain to His Most Christian Majesty.

ARTICLE XII.

In compensation of the exemption stipulated by the preceding article, it is agreed and concluded that there shall never be any duties imposed on the exportation of any kind of merchandize which the subjects of His Most Christian Majesty may take from the countries and possessions, present or future, of any of the thirteen United States, for the use of the islands which shall furnish melasses.

Act of France rescinding the foregoing articles:

The General Congress of the United States of North America, having represented to the King that the execution of the eleventh article of the treaty of amity and commerce, signed the sixth of February last, might be productive of inconveniences; and having, therefore, desired the suppression of this article, consenting in return that the twelfth article shall likewise be considered of no effect: His Majesty, in order to give a new proof of his affection, as also of his desire to consolidate the union and good correspondence established between the two States, has been pleased to consider their representations: His Majesty has consequently declared, and does declare by these presents, that he consents to the suppression of the eleventh and twelfth articles aforementioned, and that his intention is that they be considered as having never been comprehended in the treaty signed the sixth of February last.

Done at Versailles the first day of the month of September, one thousand seven hundred and seventy-eight.

GRAVIER DE VERGENNES.

Act of the United States rescinding the foregoing articles:

DECLARATION.

The Most Christian King having been pleased to regard the representations made to him by the General Congress of North America, relating to the eleventh article of the treaty of commerce, signed the sixth of February, in the present year; and His Majesty having, therefore, consented that the said article should be suppressed, on condition that the twelfth article of the same treaty be equally regarded as of none effect; the abovesaid General Congress hath declared on their part, and do declare, that they consent to the suppression of the eleventh and twelfth articles of the above-mentioned treaty, and that their intention is, that these articles be regarded as having never been comprised in the treaty signed the sixth of February.

In faith whereof, &c.,

B. FRANKLIN.
ARTHUR LEE.
JOHN ADAMS.

whether such by particular title, or ab intestat, shall be exempt from all duty called droit de detraction, or other duty of the same kind, saving nevertheless the local rights or duties as much and as long as similar ones are not established by the United States, or any of them. The subjects of the Most Christian King shall enjoy on their part, in all the dominions of the said States, an entire and perfect reciprocity relative to the stipulations contained in the present article, but it is at the same time agreed that its contents shall not affect the laws made, or that may be made hereafter in France against emigrations which shall remain in all their force and vigour, and the United States on their part, or any of them, shall be at liberty to enact such laws relative to that matter as to them shall seem proper.

Subjects of France have similar privileges.

ARTICLE XII.

The merchant ships of either of the parties which shall be making into a port belonging to the enemy of the other ally, and concerning whose voyage and the species of goods on board her there shall be just grounds of suspicion, shall be obliged to exhibit, as well upon the high seas as in the ports and havens, not only her passports, but likewise certificates, expressly shewing that her goods are not of the number of those which have been prohibited as contraband.

Ships suspected shall exhibit passports and certificates.

ARTICLE XIII.

If by the exhibiting of the abovesaid certificates the other party discover there are any of those sorts of goods which are prohibited and declared contraband and consigned for a port under the obedience of his enemies, it shall not be lawful to break up the hatches of such ship, or to open any chest, coffers, packs, casks, or any other vessels found therein, or to remove the smallest parcels of her goods, whether such ship belongs to the subjects of France, or the inhabitants of the said United States, unless the lading be brought on shore in the presence of the officers of the court of admiralty, and an inventory thereof made; but there shall be no allowance to sell, exchange, or alienate the same, in any manner, untill after that due and lawful process shall have been had against such prohibited goods, and the court of admiralty shall by a sentence pronounced have confiscated the same; saving always as well the ship itself as any other goods found therein, which by this treaty are to be esteemed free, neither may they be detained on pretence of their being as it were infected by the prohibited goods, much less shall they be confiscated, as lawful prize; but if not the whole cargo, but only part thereof, shall consist of prohibited or contraband goods, and the commander of the ship shall be ready and willing to deliver them to the captor who has discovered them, in such case the captor having received those goods shall forthwith discharge the ship, and not hinder her by any means freely to prosecute the voyage on which she was bound. But in case the contraband merchandises cannot be all received on board the vessel of the captor, then the captor may, notwithstanding the offer of delivering him the contraband goods, carry the vessel into the nearest port agreeable to what is above directed.

How to proceed in case of contraband goods.

ARTICLE XIV.

On the contrary, it is agreed that whatever shall be found to be laden

by the subjects and inhabitants of either party on any ship belonging to the enemys of the other, or to their subjects, the whole, although it be not of the sort of prohibited goods, may be confiscated in the same manner as if it belonged to the enemy, except such goods and merchandizes as were put on board such ship before the declaration of war, or even after such declaration, if so be it were done without knowledge of such declaration. So that the goods of the subjects and people of either party, whether they be of the nature of such as are prohibited or otherwise, which, as is aforesaid, were put on board any ship belonging to an enemy before the war or after the declaration of the same, without the knowledge of it, shall no ways be liable to confiscation, but shall well and truely be restored without delay to the proprietors demanding the same; but so as that if the said merchandizes be contraband, it shall not be any ways lawful to carry them afterwards to any ports belonging to the enemy. The two contracting parties agree, that the term of two months being passed after the declaration of war, their respective subjects, from whatever part of the world they come, shall not plead the ignorance mentioned in this article.

Goods found in an enemy's ship may be confiscated, unless put on board before declaration of war, or within two months after.

Article XV.

And that more effectual care may be taken for the security of the subjects and inhabitants of both parties, that they suffer no injury by the men-of-war or privateers of the other party, all the commanders of the ships of His Most Christian Majesty and of the said United States, and all their subjects and inhabitants, shall be forbid doing any injury or damage to the other side; and if they act to the contrary, they shall be punished, and shall moreover be bound to make satisfaction for all matter of damage, and the interest thereof, by reparation, under the pain and obligation of their person and goods.

Ships of war and privateers to do no injury to either party; if they do, to be punished and make reparation to the party injured.

Article XVI.

All ships and merchandizes, of what nature soever, which shall be rescued out of the hands of any pirates or robbers on the high seas, shall be brought into some port of either State, and shall be delivered to the custody of the officers of that port, in order to be restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof.

All ships and merchandize rescued out of the hands of pirates to be restored.

Article XVII.

It shall be lawful for the ships of war of either party, and privateers, freely to carry whithersoever they please the ships and goods taken from their enemies, without being obliged to pay any duty to the officers of the admiralty or any other judges; nor shall such prizes be arrested or seized when they come to and enter the ports of either party; nor shall the searchers or other officers of those places search the same, or make examination concerning the lawfulness of such prizes, but they may hoist sail at any time, and depart and carry their prizes to the places expressed in their commissions, which the commanders of such ships of war shall be obliged to show; on the contrary, no shelter or refuge shall be given in their ports to such as shall have made prize of the subjects, people, or property of either of the parties; but if

Prizes may be carried into the ports of either party.

No shelter shall be given to the captors of prizes from either party.

such shall come in, being forced by stress of weather, or the danger of the sea, all proper means shall be vigorously used that they go out and retire from thence as soon as possible.

ARTICLE XVIII.

In case of shipwreck, relief to be afforded.

If any ship belonging to either of the parties, their people or subjects, shall, within the coasts or dominions of the other, stick upon the sands, or be wrecked, or suffer any other damage, all friendly assistance and relief shall be given to the persons shipwrecked, or such as shall be in danger thereof. And letters of safe conduct shall likewise be given to them for their free and quiet passage from thence and the return of every one to his own country.

ARTICLE XIX.

When vessels, by stress of weather, &c., are forced into ports, &c., they shall be protected and permitted to depart.

In case the subjects and inhabitants of either party, with their shipping, whether publick and of war, or private and of merchants, be forced, through stress of weather, pursuit of pirates or enemies, or any other urgent necessity for seeking of shelter and harbour, to retreat and enter into any of the rivers, bays, roads, or ports belonging to the other party, they shall be received and treated with all humanity and kindness, and enjoy all friendly protection and help; and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals and all things needful for the sustenance of their persons or reparation of their ships, and conveniency of their voyage; and they shall no ways be detained or hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

ARTICLE XX.

In case of war, six months shall be allowed to citizens of each party residing in the other's dominion to sell and remove their effects.

For the better promoting of commerce on both sides, it is agreed that if a war shall break out between the said two nations, six months after the proclamation of war shall be allowed to the merchants in the cities and towns where they live for selling and transporting their goods and merchandizes; and if anything be taken from them, or any injury be done them within that term by either party, or the people or subjects of either, full satisfaction shall be made for the same.

ARTICLE XXI.

Citizens of neither party shall take commissions or letters of marque from any Prince or State with whom the other is at war, to act as privateers.

No subjects of the Most Christian King shall apply for or take any commission, or letters of marque, for arming any ship or ships to act as privateers against the said United States, or any of them, or against the subjects, people, or inhabitants of the said United States, or any of them, or against the property of any of the inhabitants of any of them, from any Prince or State with which the said United States shall be at war; nor shall any citizen, subject, or inhabitant of the said United States, or any of them, apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the subjects of the Most Christian King, or any of them, or the property of any of them, from any Prince or State with which the said King shall be at war; and if any person of either nation shall take such commissions or letters of marque, he shall be punished as a pirate.

ARTICLE XXII.

It shall not be lawful for any foreign privateers, not belonging to subjects of the Most Christian King nor citizens of the said United States, who have commissions from any other Prince or State in enmity with either nation, to fit their ships in the ports of either the one or the other of the aforesaid parties, to sell what they have taken, or in any other manner whatsoever to exchange their ships, merchandizes, or any other lading; neither shall they be allowed even to purchase victuals, except such as shall be necessary for their going to the next port of that Prince or State from which they have commissions.

Foreign privateers not allowed to be fitted out, or to sell their prizes in the ports of either party

ARTICLE XXIII.

It shall be lawful for all and singular the subjects of the Most Christian King, and the citizens, people, and inhabitants of the said United States, to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandizes laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with the Most Christian King or the United States. It shall likewise be lawful for the subjects and inhabitants aforesaid to sail with the ships and merchandizes aforementioned, and to trade with the same liberty and security from the places, ports, and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy aforementioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of the same Prince or under several. And it is hereby stipulated that free ships shall also give a freedom to goods, and that everything shall be deemed to be free and exempt which shall be found on board the ships belonging to the subjects of either of the confederates, although the whole lading or any part thereof should appertain to the enemies of either, contraband goods being always excepted. It is also agreed in like manner that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are soldiers and in actual service of the enemies.

Liberty for either party to trade with a nation at war with the other.

Free ships make free goods, excepting contraband articles.

ARTICLE XXIV.

This liberty of navigation and commerce shall extend to all kinds of merchandizes, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended arms, great guns, bombs with the fuzes, and other things belonging to them, cannon-ball, gunpowder, match, pikes, swords, lances, spears, halberds, mortars, petards, granades, saltpetre, muskets, musket-ball, bucklers, helmets, breast-plates, coats of mail, and the like kinds of arms proper for arming soldiers, musket-rests, belts, horses with their furniture, and all other warlike instruments whatever. These merchandizes which follow shall not be reckoned among contraband or prohibited goods; that is to say, all sorts of cloths, and all other manufactures woven of any wool, flax, silk, cotton, or any other materials whatever; all kinds of wearing apparel, together with the species whereof they are used to be made; gold and silver, as well coined as uncoined, tin, iron, latten,

What goods shall be deemed contraband.

copper, brass, coals; as also wheat and barley, and any other kind of corn and pulse; tobacco, and likewise all manner of spices; salted and smoked flesh, salted fish, cheese and butter, beer, oils, wines, sugars, and all sorts of salts; and in general all provisions which serve for the nourishment of mankind and the sustenance of life; furthermore, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail-cloths, anchors and any parts of anchors, also ships' masts, planks, boards and beams of what trees soever; and all other things proper either for building or repairing ships, and all other goods whatever which have not been worked into the form of any instrument or thing prepared for war by land or by sea, shall not be reputed contraband, much less such as have been already wrought and made up for any other use; all which shall be wholly reckoned among free goods; as likewise all other merchandizes and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods; so that they may be transported and carried in the freest manner by the subjects of both confederates, even to places belonging to an enemy, such towns or places being only excepted as are at that time besieged, blocked up, or invested.

Article XXV.

Ships and vessels to be furnished with sea-letters or passports and certificates.

To the end that all manner of dissentions and quarrels may be avoided and prevented, on one side and the other, it is agreed that in case either of the parties hereto should be engaged in war, the ships and vessels belonging to the subjects or people of the other ally must be furnished with sea-letters or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby that the ship really and truely belongs to the subjects of one of the parties, which passport shall be made out and granted according to the form annexed to this treaty; they shall likewise be recalled every year, that is, if the ship happens to return home within the space of a year. It is likewise agreed that such ships being laden are to be provided not only with passports as above mentioned, but also with certificates, containing the several particulars of the cargo, the place whence the ship sailed, and whither she is bound, that so it may be known whether any forbidden or contraband goods be on board the same; which certificate shall be made out by the officers of the place whence the ship set sail, in the accustomed form; and if any one shall think it fit or advisable to express in the said certificates the person to whom the goods on board belong, he may freely do so.

Article XXVI.

Vessels coming on the coast or entering the ports of either party, how to be treated.

The ships of the subjects and inhabitants of either of the parties coming upon any coasts belonging to either of the said allies, but not willing to enter into port, or being entred into port and not willing to unload their cargoes or break bulk, they shall be treated according to the general rules prescribed or to be prescribed relative to the object in question.

Article XXVII.

How vessels are to be treated when met by ships of war or privateers.

If the ships of the said subjects, people, or inhabitants of either of the parties shall be met with, either sailing along the coasts or on the high seas, by any ship of war of the other, or by any privateers, the said ships of war or privateers, for the avoiding of any disorder, shall remain out of cannon-shot, and may send

their boats aboard the merchant ship which they shall so meet with, and may enter her to number of two or three men only, to whom the master or commander of such ship or vessel shall exhibit his passport concerning the property of the ship, made out according to the form inserted in this present treaty, and the ship, when she shall have showed such passport, shall be free and at liberty to pursue her voyage, so as it shall not be lawful to molest or search her in any manner, or to give her chase or force her to quit her intended course.

Article XXVIII.

No search after goods are put on board ships or vessels, unless in case of fraud.

It is also agreed that all goods, when once put on board the ships or vessels of either of the two contracting parties, shall be subject to no farther visitation; but all visitation or search shall be made beforehand, and all prohibited goods shall be stopped on the spot, before the same be put on board, unless there are manifest tokens or proofs of fraudulent practice; nor shall either the persons or goods of the subjects of His Most Christian Majesty or the United States be put under any arrest or molested by any other kind of embargo for that cause; and only the subject of that State to whom the said goods have been or shall be prohibited, and who shall presume to sell or alienate such sort of goods, shall be duly punished for the offence.

Article XXIX.

Consuls &c., to be allowed in the ports of each party.

The two contracting parties grant mutually the liberty of having each in the ports of the other Consuls, Vice-Consuls, agents, and commissaries, whose functions shall be regulated by a particular agreement.

Article XXX.

Free ports.

And the more to favour and facilitate the commerce which the subjects of the United States may have with France, the Most Christian King will grant them in Europe one or more free ports, where they may bring and dispose of all the produce and merchandize of the thirteen United States; and His Majesty will also continue to the subjects of the said States the free ports which have been and are open in the French islands of America; of all which free ports the said subjects of the United States shall enjoy the use, agreable to the regulations which relate to them.

Article XXXI.

Ratification.

The present treaty shall be ratified on both sides, and the ratifications shall be exchanged in the space of six months, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the above articles, both in the French and English languages, declaring, nevertheless, that the present treaty was originally composed and concluded in the French language, and they have thereto affixed their seals.

Done at Paris this sixth day of February, one thousand seven hundred and seventy-eight.

C. A. GERARD. [L. S.]
B. FRANKLIN. [L. S.]
SILAS DEANE. [L. S.]
ARTHUR LEE. [L. S.]

ACT SEPARATE AND SECRET.

The Most Christian King declares, in consequence of the intimate union which subsists between him and the King of Spain, that in concluding with the United States of America this treaty of amity and commerce, and that of eventual and defensive alliance, His Majesty hath intended, and intends, to reserve expressly, as he reserves by this present separate and secret act, to his said Catholick Majesty the power of acceding to the said treatys, and to participate in their stipulations at such time as he shall judge proper. It being well understood, nevertheless, that if any of the stipulations of the said treatys are not agreable to the King of Spain, His Catholick Majesty may propose other conditions analogous to the principal aim of the alliance and conformable to the rules of equality, reciprocity, and friendship.

The Deputies of the United States, in the name of their constituents, accept the present declaration in its full extent, and the Deputy of the said States who is fully impowerd to treat with Spain promises to sign, on the first requisition of His Catholic Majesty, the act or acts necessary to communicate to him the stipulations of the treaties above written; and the said Deputy shall endeavour, in good faith, the adjustment of the points in which the King of Spain may propose any alteration conformable to the principles of equality, reciprocity, and the most sincere and perfect amity, he, the said Deputy, not doubting but that the person or persons impower'd by His Catholic Majesty to treat with the United States will do the same with regard to any alterations of the same kind that may be thought necessary by the said Plenipotentiary of the United States.

In faith whereof the respective Plenipotentiaries have signed the present separate and secret article, and affixed to the same their seals.

Done at Paris this sixth day of February, one thousand seven hundred and seventy-eight.

C. A. GERARD. [L. S.]
B. FRANKLIN. [L. S.]
SILAS DEANE. [L. S.]
ARTHUR LEE, [L. S.]
Deputy, Plenipotentiary for France and Spain.

FRANCE, 1782.

CONTRACT BETWEEN HIS MOST CHRISTIAN MAJESTY AND THE UNITED STATES OF AMERICA, ENTERED INTO BY THE COUNT DE VERGENNES AND MR. FRANKLIN, THE 16TH OF JULY, 1782, AND RATIFIED BY CONGRESS THE 22D DAY OF JANUARY, 1783.

Motives for making a particular statement of the amount of pecuniary supplies furnished by France, &c.

The King having been pleased to attend to the requests made to him in the name and on behalf of the United Provinces of North America, for assistance in the war and invasion under which they had for several years groaned; and His Majesty, after entering into a treaty of amity and commerce with the said Confederated Provinces, on the 6th of February, 1778, having had the goodness to support them, not only with his forces by land and sea, but also with advances of money, as abundant as they were effectual, in the critical situation to which their affairs were reduced: it has been judged proper and necessary to state exactly the

amount of those advances, the conditions on which the King made them, the periods at which the Congress of the United States have engaged to repay them to His Majesty's royal treasury, and, in fine, to state this matter in such a way as for the future to prevent all difficulties capable of interrupting the good harmony which His Majesty is resolved to maintain and preserve between him and the said United States. For executing so laudable a purpose, and with a view to strengthen the bands of amity and commerce which subsist between His Majesty and the said United States; we, Charles Gravier de Vergennes, &c., Counsellor of the King, in all his councils, Commander of his Orders, Minister and Secretary of State, and of his commands and finances, vested with full powers of His Majesty to us given for this purpose: and we, Benjamin Franklin, Minister Plenipotentiary of the United States of North America, in like manner vested with full powers of the Congress of the said States for the present purpose; after duly communicating our respective powers have agreed to the following articles:

ARTICLE I.

It is agreed and certified that the sums advanced by His Majesty to the Congress of the United States, under the title of a loan, in the years 1778, 1779, 1780, 1781, and the present, 1782, amount to the sum of eighteen million of livres, money of France, according to the following twenty-one receipts of the above mentioned under written Minister of Congress, given in virtue of his full powers, to wit: Amount of different loans.

1, 28 February, 1778	750,000		Items of loans.
2, 19 May, ditto	750,000		
3, 3 August, ditto	750,000		
4, 1 November, ditto	750,000	3,000,000	
5, 10 June, 1779	250,000		
6, 16 September, ditto	250,000		
7, 4 October, ditto	250,000		
8, 21 December, ditto	250,000	1,000,000	
9, 29 February, 1780	750,000		
10, 23 May, ditto	750,000		
11, 21 June, ditto	750,000		
12, 5 October, ditto	750,000		
13, 27 November, ditto	1,000,000	4,000,000	
14, 15 February, 1781	750,000		
15, 15 May, ditto	750,000		
16, 15 August, ditto	750,000		
17, 1 August, ditto	1,000,000		
18, 15 November, ditto	750,000	4,000,000	
19, 10 April, 1782	1,500,000		
20, 1 July, ditto	1,500,000		
21, 5 of the same month	3,000,000	6,000,000	
Amounting in the whole to 18 millions, viz.			18,000,000

Interest at five per cent.

By which receipts the said Minister has promised, in the name of Congress, and in behalf of the thirteen United States, to cause to be paid and reimbursed to the royal treasury of His Majesty, on the 1st of January, 1788, at the house of his grand banker at Paris, the said sum of eighteen millions, money of France, with interest at five per cent. per annum.

ARTICLE II.

Repayment of the loans.

Considering that the payment of so large a capital at the one stipulated period, the 1st of January, 1788, may greatly injure the finances of the Congress of the United States, and it may perhaps be even impracticable on that footing, His Majesty has been pleased for that reason to recede in that respect from the tenor of the receipts which the Minister of Congress has given for the eighteen million livres tournois, mentioned in the foregoing article, and has consented that the payment of the capital in ready money, at the royal treasury, be in twelve equal payments of 1,500,000 livres each, and in twelve years only, to commence from the third year after a peace.

ARTICLE III.

Abatement of interest.

Although the receipts of the Minister of the Congress of the United States specify that the eighteen million of livres above mentioned are to be paid at the royal treasury, with interest at five per cent. per annum, His Majesty being willing to give the said United States a new proof of his affection and friendship, has been pleased to make a present of, and to forgive the whole arrears of interest to this day, and from thence to the date of the treaty of peace; a favor which the Minister of the Congress of the United States acknowledges to flow from the pure bounty of the King, and which he accepts in the name of the said United States with profound and lively acknowledgments.

ARTICLE IV.

Interest to diminish in proportion to payments, &c.

The payment of the said eighteen millions of livres tournois shall be in ready money at the royal treasury of His Majesty at Paris, in twelve equal parts, and at the terms stipulated in the above second article. The interest of the said sum, at five per cent. per annum, shall commence with the date of the treaty of peace, and shall be paid at every period of the partial payments of the capital, and shall diminish in proportion with the payments. The Congress of the said United States being left, however, at liberty to free themselves sooner from this obligation by anticipated payments, in case the state of their finances will admit.

ARTICLE V.

Loan made by France in Holland, acknowledged to be for the use of United States

Although the loan of five millions of florins of Holland, agreed to by the States General of the United Provinces of the Netherlands, on the terms of the obligation passed on the 5th of November, 1781, between His Majesty and the said States General, has been made in His Majesty's name, and guaranteed by him, it is nevertheless acknowledged by these presents, that the said loan was made in reality on account, and for the service, of the United States of North America, and that the capital, amounting, at a

moderate valuation, to the sum of ten millions livres tournois, has been paid to the said United States, agreeably to a receipt for the payment of the said sum given by the undersigned Minister of Congress the seventh day of June last.

ARTICLE VI.

Engagement of the French king to repay said loan.

By the convention of the said 5th of November, 1781, the King has been pleased to promise and engage to furnish and pay at the general counter of the States General of the Netherlands, the capital of the said loan, with the interest at four per cent. per annum, without any charge or deduction whatever to the lenders, so that the said capital shall be wholly repaid after the space of five years, the payments to be made in ten equal periods, the first of which to commence the sixth year from the date of the loan, and afterwards from year to year to the final payment of the said sum; but it is in like manner acknowledged by this act that this engagement was entered into by the King at the request of the undersigned Minister of the United States, and on the promise by him made in the name of Congress, and on behalf of the thirteen United States, to cause to be reimbursed and paid at the royal treasury of His Majesty at Paris, the capital, interest, and cost of the said loan, according to the conditions and terms fixed by the said convention of the 5th of November, 1781.

ARTICLE VII.

Agreement to repay amount of the loan in Holland.

It is accordingly agreed and settled that the sum of ten million livres tournois, being, by a moderate computation, the principal of the loan of five millions of Holland florins above mentioned, shall be reimbursed, and paid in ready money at the royal treasury of His Majesty at Paris, with the interest at four per cent. per annum, in ten equal payments, of one million each, and in ten terms, the first of which shall be on the 5th of November, 1787, the second, the 5th November, 1788, and so from year to year till the final payment of the said sum of ten millions, the interest lessening in proportion with the partial payments of the capital. But in consequence of the King's affection for the United States, His Majesty has been pleased to charge himself with the expense of commissions and bank for the said loan, of which expenses His Majesty has made a present to the United States, and this their undersigned Minister accepts, with thanks, in the name of Congress, as a new proof of His Majesty's generosity and friendship for the said United States.

ARTICLE VIII.

Interest on the loan in Holland for five years to be paid by United States to France.

With regard to the interest of the said loan during the five years preceding the first term of payment of the capital, as the King has engaged to pay it at the general counter of the States General of the Netherlands, at the rate of four per cent. yearly, and every year, counting from the 5th of November, 1781, according to the convention of that day, the Minister of Congress acknowledges that the repayment of that is due to His Majesty by the United States, and he engages, in the name of the said United States, to cause payment thereof to be made at the same time and at the same rate at the royal treasury of His Majesty; the first year's interest to be paid the 5th of November next, and so yearly, during the five years

preceding the first term for the payment of the capital, fixed as above on the 5th of November, 1787.

The high contracting parties reciprocally bind themselves to the faithful observance of this contract, the ratifications of which shall be exchanged in the space of nine months from this day, or sooner if possible.

Ratifications to be exchanged in nine months.

In testimony whereof we, the said Plenipotentiaries of His Most Christian Majesty, and of the thirteen United States of North America, in virtue of our respective powers, have signed these presents, and thereunto fixed the seal of our arms.

Done at Versailles the 16th day of July, one thousand seven hundred and eighty-two.

GRAVIER DE VERGENNES. [L. S.]
B. FRANKLIN. [L. S.]

FRANCE, 1783.

A CONTRACT BETWEEN HIS MOST CHRISTIAN MAJESTY AND THE THIRTEEN UNITED STATES OF NORTH AMERICA, ENTERED INTO AT VERSAILLES ON THE 25TH OF FEBRUARY, 1783.

The re-established peace between the belligerent Powers, the advantages of a free commerce to all parts of the globe, and the independence of the thirteen United States of North America, acknowledged and founded on a solid and honorable basis, rendered it probable that the said States would be in a condition to provide hereafter for their necessities by means of the resources within themselves without being compelled to implore the continuation of the succours which the King has so liberally granted during the war: But the Minister Plenipotentiary of the said United States to His Majesty, having represented to him the exhausted state to which they had been reduced by a long and disastrous war, His Majesty has condescended to take into consideration the request made by the aforesaid Minister, in the name of the Congress of the said States, for a new advance of money to answer numerous purposes of urgent and indispensable expenses in the course of the present year; His Majesty has in consequence determined, notwithstanding the no less pressing necessities of his own service, to grant to Congress a new pecuniary assistance, which he has fixed at the sum of six millions livres tournois, under the title of loan, and under the guaranty of the whole thirteen United States, which the Minister of Congress has declared his acceptance of, with the liveliest acknowledgments, in the name of the said States.

And as it is necessary to the good order of His Majesty's finances, and also useful to the operations of the finances of the United States, to assign periods for payment of the six millions livres in question, and to regulate the conditions and terms of reimbursement which should be made at His Majesty's royal treasury at Paris, after the manner of what has been stipulated for the preceding advances, by a former contract of the 16th July, 1782—

We, Charles Gravier, Count de Vergennes, &c., Counsellor of the King in his Councils, Commander of his Orders, Chief of the Royal Council of Finances, Counsellor of State, &c., Minister and Secretary of State and of his commands and finances, invested with full powers by His Majesty, given to us for the purpose of these presents: And we, Benjamin Frank-

lin, Minister and Plenipotentiary of the United States of North America, likewise invested with full powers by the Congress of said States, for the same purpose of these presents, after having compared and duly communicated to each other our respective powers, have agreed on the following articles:

ARTICLE I.

The payment of the six millions livres, French money, above mentioned, shall be made from the funds of the royal treasury in proportions of five hundred thousand livres during each of the twelve months of the present year, under the acknowledgments of the Minister of the said United States, promising in the name of Congress and in behalf of the thirteen United States, to reimburse and refund the said six millions livres, in ready money, at His Majesty's royal treasury, at the house of the sieur grand banker at Paris, with interest at five per cent. per annum at periods hereafter stipulated in the third and fourth articles. The advances which His Majesty has been pleased to allow to be made on account of the six millions in question shall be deducted in the payments of the first month of this year.

ARTICLE II.

For better understanding the fixing of periods for the reimbursement of the six millions at the royal treasury, and to prevent all ambiguity on this head, it has been found proper to recapitulate here the amount of the preceding aids granted by the King to the United States, and to distinguish them according to their different classes. The first is composed of funds lent successively by His Majesty, amounting in the whole to the sum of eighteen millions livres, reimbursable in specie at the royal treasury in twelve equal portions of a million five hundred thousand livres each, besides the interest, and in twelve years, to commence from the third year after the date of the peace, the interest, beginning to reckon at the date of the peace, to be discharged annually, shall diminish in proportion to the reimbursement of the capital, the last payment of which shall expire in the year 1798.

The second class comprehends the loan of five millions Dutch florins, amounting, by a moderate valuation, to ten millions livres tournois, the said loan made in Holland in 1781, for the service of the United States of North America, under the engagement of the King to refund the capital, with interest at four per cent. per annum, at the general counter of the States General of the United Provinces of the Netherlands, in ten equal portions, reckoning from the sixth year of the date of the said loan, and under the like engagement on the part of the Minister of Congress, and in behalf of the thirteen United States, to reimburse the ten millions of said loan in ready money at the royal treasury, with interest at four per cent. per annum, in ten equal portions of a million each, and in ten periods from year to year; the first of which shall take place in the month of November, 1787, and the last in the same month, 1796. The whole conformable to the conditions expressed in the contract of the 16th July, 1782.

In the third class are comprehended the aids and subsidies furnished to the Congress of the United States, under the title of gratuitous assistance, from the pure generosity of the King, three millions of which were granted before the treaty of February, 1778, and six millions in 1781; which aids and subsidies amount in the whole to nine millions livres tournois. His Majesty here confirms, in case of need, the gratuitous gift to the Congress of the said thirteen United States.

ARTICLE III.

The new loan of six millions livres tournois, the subject of the present contract, shall be refunded and reimbursed in ready money at His Majesty's royal treasury, in six equal portions of a million each, with interest at five per cent. per annum, and in six periods, the first of which shall take place in the year 1797, and so on from year to year, until 1802, when the last reimbursement shall be completed.

ARTICLE IV.

The interest of five per cent. per annum of the capital of the six millions, mentioned in the preceding article, shall begin to be reckoned from the first of January of the year 1784, and shall be paid in ready money at His Majesty's royal treasury, at Paris, on the same day of each year, the first of which shall take place the first of January, 1785, and so on from year to year, until the definitive reimbursement of the capital; His Majesty being pleased, by a new act of generosity, to present and remit to the thirteen United States the partial interest of the present year, which the underwritten Minister of Congress has declared to accept with acknowledgment in the name of the said United States.

ARTICLE V.

The interest of the capital of the six millions shall diminish in proportion to the reimbursements at the periods fixed in the preceding article; Congress and the United States reserving, however, the liberty of freeing themselves, by anticipated payments, should the state of their finances admit.

ARTICLE VI.

The contracting parties will reciprocally guaranty the faithful observation of the foregoing articles; the ratifications of which shall be exchanged in the space of nine months from the date of this present contract, or sooner if possible.

In faith whereof we, the Ministers Plenipotentiaries of His Majesty and the Congress of the thirteen United States of North America, in virtue of our respective full powers, have signed the present contract, and thereunto affixed the seal of our arms.

Done at Versailles the twenty-fifth day of February, one thousand seven hundred and eighty-three.

GRAVIER DE VERGENNES. [L. S.]
B. FRANKLIN. [L. S.]

FRANCE, 1788.

CONVENTION BETWEEN HIS MOST CHRISTIAN MAJESTY AND THE UNITED STATES OF AMERICA. CONCLUDED NOVEMBER 14, 1788.

*Convention between His Most Christian Majesty and the United States of America, for the purpose of defining and establishing the functions and privileges of their respective Consuls and Vice-Consuls.**

His Majesty the Most Christian King, and the United States of America, having, by the twenty-ninth article of the treaty of amity and

* An act to declare the treaties heretofore concluded with France no longer obligatory on the United States. July 7, 1798; Laws U. S. vol. 1, 578.

commerce concluded between them, mutually granted the liberty of having in their respective States and ports, Consuls, Vice-Consuls, agents, and commissaries, and being willing, in consequence thereof, to define and establish, in a reciprocal and permanent manner, the functions and privileges of Consuls and Vice-Consuls, which they have judged it convenient to establish of preference, His Most Christian Majesty has nominated the Sieur Count of Montmorin, of St. Herent, Marechal of his Camps and Armies, Knight of his Orders and of the Golden Fleece, his Counsellor in all his Councils, Minister and Secretary of State, and of his Commandments and Finances, having the Department of Foreign Affairs; and the United States have nominated the Sieur Thomas Jefferson, citizen of the United States of America, and their Minister Plenipotentiary near the King; who, after having communicated to each other their respective full powers, have agreed on what follows:

ARTICLE I.

Consuls to present commissions, and to be entitled to an exequatur.

The Consuls and Vice-Consuls named by the Most Christian King and the United States shall be bound to present their commissions according to the forms which shall be established respectively by the Most Christian King within his dominions, and by the Congress within the United States. There shall be delivered to them, without any charges, the exequatur necessary for the exercise of their functions; and on exhibiting the said exequatur, the Governors, Commanders, Heads of Justice, Bodies Corporate, Tribunals, and other officers having authority in the ports and places of their consulates, shall cause them to enjoy immediately, and without difficulty, the pre-eminences, authority, and privileges reciprocally granted, without exacting from the said Consuls and Vice-Consuls any fee, under any pretext whatever.

ARTICLE II.

Privileges of Consuls.

The Consuls and Vice-Consuls, and persons attached to their functions; that is to say, their Chancellors and Secretaries, shall enjoy a full and entire immunity for their chancery, and the papers which shall be therein contained. They shall be exempt from all personal service, from soldiers' billets, militia, watch, guard, guardianship, trusteeship, as well as from all duties, taxes, impositions, and charges whatsoever, except on the estate real and personal of which they may be the proprietors or possessors, which shall be subject to the taxes imposed on the estates of all other individuals: And in all other instances they shall be subject to the laws of the land as the natives are. Those of the said Consuls and Vice-Consuls who shall exercise commerce, shall be respectively subject to all taxes, charges, and impositions established on other merchants. They shall place over the outward door of their house the arms of their sovereign; but this mark of indication shall not give to the said house any privilege of asylum for any person or property whatsoever.

ARTICLE III.

Consuls may appoint agents.

The respective Consuls and Vice-Consuls may establish agents in the different ports and places of their departments where necessity shall require. These agents may be chosen among the merchants, either national or foreign, and furnished with a commission from one of the said consuls: They shall confine themselves respectively to the rendering to their respective merchants, navigators, and vessels,

all possible service, and to inform the nearest Consul of the wants of the said merchants, navigators, and vessels, without the said agents otherwise participating in the immunities, rights, and privileges attributed to Consuls and Vice-Consuls, and without power, under any pretext whatever, to exact from the said merchants any duty or emolument whatsoever.

ARTICLE IV.

Consuls may establish a chancery.

The Consuls and Vice-Consuls respectively may establish a chancery, where shall be deposited the consular determinations, acts, and proceedings, as also testaments, obligations, contracts, and other acts done by or between persons of their nation, and effects left by deceased persons, or saved from shipwreck. They may consequently appoint fit persons to act in the said chancery, receive and swear them in, commit to them the custody of the seal, and authority to seal commissions, sentences, and other consular acts, and also to discharge the functions of notary and register of the consulate.

ARTICLE V.

Power and duty of Consuls.

The Consuls and Vice-Consuls respectively shall have the exclusive right of receiving in their chancery, or on board of vessels, the declarations and all other the acts which the captains, masters, crews, passengers, and merchants of their nation may chuse to make there, even their testaments and other disposals by last will: And the copies of the said acts, duly authenticated by the said Consuls or Vice-Consuls, under the seal of their consulate, shall receive faith in law, equally as their originals would, in all the tribunals of the dominions of the Most Christian King and of the United States. They shall also have, and exclusively, in case of the absence of the testamentary executor, administrator, or legal heir, the right to inventory, liquidate, and proceed to the sale of the personal estate left by subjects or citizens of their nation who shall die within the extent of their consulate; they shall proceed therein with the assistance of two merchants of their said nation, or, for want of them, of any other at their choice, and shall cause to be deposited in their chancery the effects and papers of the said estates; and no officer, military, judiciary, or of the police of the country, shall disturb them or interfere therein, in any manner whatsoever: But the said Consuls and Vice-Consuls shall not deliver up the said effects, nor the proceeds thereof, to the lawful heirs, or to their order, till they shall have caused to be paid all debts which the deceased shall have contracted in the country; for which purpose the creditors shall have a right to attach the said effects in their hands, as they might in those of any other individual whatever, and proceed to obtain sale of them till payment of what shall be lawfully due to them. When the debts shall not have been contracted by judgment, deed, or note, the signature whereof shall be known, payment shall not be ordered but on the creditor's giving sufficient surety, resident in the country, to refund the sums he shall have unduly received, principal, interest, and cost; which surety nevertheless shall stand duly discharged, after the term of one year in time of peace, and of two in time of war, if the demand in discharge cannot be formed before the end of this term against the heirs who shall present themselves. And in order that the heirs may not be unjustly kept out of the effects of the deceased, the Consuls and Vice-Consuls shall notify his death in some one of the gazettes published within their consulate, and that they shall retain the

said effects in their hands four months to answer all demands which shall be presented; and they shall be bound after this delay to deliver to the persons succeeding thereto, what shall be more than sufficient for the demands which shall have been formed.

ARTICLE VI.

Consuls to receive declarations, &c., from captains, of losses at sea.

The Consuls and Vice-Consuls respectively shall receive the declarations, protests, and reports of all captains and masters of their respective nation on account of average losses sustained at sea; and these captains and masters shall lodge in the chancery of the said Consuls and Vice-Consuls the acts which they may have made in other ports on account of the accidents which may have happened to them on their voyage. If a subject of the Most Christian King and a citizen of the United States, or a foreigner, are interested in the said cargo, the average shall be settled by the tribunals of the country, and not by the Consuls or Vice-Consuls; but when only the subjects or citizens of their own nation shall be interested, the respective Consuls or Vice-Consuls shall appoint skilful persons to settle the damages and average.

ARTICLE VII.

Power of consuls in cases of shipwreck.

In cases where, by tempest or other accident, French ships or vessels shall be stranded on the coasts of the United States, and ships or vessels of the United States shall be stranded on the coasts of the dominions of the Most Christian King, the Consul or Vice-Consul nearest to the place of shipwreck shall do whatever he may judge proper, as well for the purpose of saving the said ship or vessel, its cargo and appurtenances, as for the storing and the security of the effects and merchandize saved. He may take an inventory of them, without the intermeddling of any officers of the military, of the customs, of justice, or of the police of the country, otherwise than to give to the Consuls, Vice-Consuls, captain and crew of the vessel shipwrecked or stranded, all the succour and favour which they shall ask of them, either for the expedition and security of the saving, and of the effects saved, or to prevent all disturbance. And in order to prevent all kinds of dispute and discussion in the said cases of shipwreck, it is agreed that when there shall be no Consul or Vice-Consul to attend to the saving of the wreck, or that the residence of the said Consul or Vice-Consul (he not being at the place of the wreck) shall be more distant from the said place than that of the competent judge of the country, the latter shall immediately proceed therein, with all the dispatch, certainty, and precautions prescribed by the respective laws; but the said territorial judge shall retire on the arrival of the Consul or Vice-Consul, and shall deliver over to him the report of his proceedings, the expenses of which the Consul or Vice-Consul shall cause to be reimbursed to him, as well as those of saving the wreck. The merchandize and effects saved shall be deposited in the nearest custom-house, or other place of safety, with the inventory thereof, which shall have been made by the Consul or Vice-Consul, or by the judge who shall have proceeded in their absence, that the said effects and merchandize may be afterwards delivered, (after levying therefrom the costs,) and without form of process to the owners, who, being furnished with an order for their delivery from the nearest Consul or Vice-Consul, shall reclaim them by themselves or by their order, either for the purpose of re-exporting such merchandize, in which

case they shall pay no kind of duty of exportation, or for that of selling them in the country, if they be not prohibited there, and in this last case the said merchandize, if they be damaged, shall be allowed an abatement of entrance duties, proportioned to the damage they have sustained, which shall be ascertained by the affidavits taken at the time the vessel was wrecked or struck.

ARTICLE VIII.

Power of Consuls respecting vessels of their own nation.

The Consuls or Vice-Consuls shall exercise police over all the vessels of their respective nations, and shall have on board the said vessels all power and jurisdiction in civil matters, in all the disputes which may there arise; they shall have an entire inspection over the said vessels, their crew, and the changes and substitutions there to be made; for which purpose they may go on board the said vessels whenever they may judge it necessary. Well understood that the functions hereby allowed shall be confined to the interior of the vessels, and that they shall not take place in any case which shall have any interference with the police of the ports where the said vessels shall be.

ARTICLE IX.

Power of Consuls in regard to deserters, and mode of proceeding.

The Consuls and Vice-Consuls may cause to be arrested the captains, officers, mariners, sailors, and all other persons being part of the crews of the vessels of their respective nations, who shall have deserted from the said vessels, in order to send them back and transport them out of the country; for which purpose the said Consuls and Vice-Consuls shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel or ship's roll that those men were part of the said crews; and on this demand so proved (saving, however, where the contrary is proved) the delivery shall not be refused; and there shall be given all aid and assistance to the said Consuls and Vice-Consuls for the search, seizure, and arrest of the said deserters, who shall even be detained and kept in the prisons of the country, at their request and expense, until they shall have found an opportunity of sending them back; but if they be not sent back within three months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ARTICLE X.

Citizens amenable for crimes to the judges of the country.

In cases where the respective subjects or citizens shall have committed any crime, or breach of the peace, they shall be amenable to the judges of the country.

ARTICLE XI.

How to proceed when offenders withdraw on board their vessels.

When the said offenders shall be a part of the crew of a vessel of their nation, and shall have withdrawn themselves on board the said vessel, they may be there seized and arrested by order of the judges of the country. These shall give notice thereof to the Consul or Vice-Consul, who may repair on board if he thinks proper; but this notification shall not in any case delay execution of the order in question. The persons arrested shall not afterwards be set at liberty until the Consul or Vice-Consul shall have been notified thereof;

and they shall be delivered to him, if he requires it, to be put again on board of the vessel on which they were arrested, or of others of their nation, and to be sent out of the country.

ARTICLE XII.

All differences and suits between the subjects of the Most Christian King in the United States, or between the citizens of the United States within the dominions of the Most Christian King, and particularly all disputes relative to the wages and terms of engagement of the crews of the respective vessels, and all differences, of whatever nature they be, which may arise between the privates of the said crews, or between any of them and their captains, or between the captains of different vessels of their nation, shall be determined by the respective Consuls and Vice-Consuls, either by a reference to arbitrators, or by a summary judgment, and without costs. No officer of the country, civil or military, shall interfere therein, or take any part whatever in the matter; and the appeals from the said consular sentences shall be carried before the tribunals of France or of the United States, to whom it may appertain to take cognizance thereof.

Disputes between citizens in a foreign country to be settled by consuls.

ARTICLE XIII.

The general utility of commerce having caused to be established within the dominions of the Most Christian King particular tribunals and forms for expediting the decision of commercial affairs, the merchants of the United States shall enjoy the benefit of these establishments; and the Congress of the United States will provide in the manner the most conformable to its laws for the establishment of equivalent advantages in favour of the French merchants, for the prompt dispatch and decision of affairs of the same nature.

Tribunals to decide commercial affairs.

ARTICLE XIV.

The subjects of the Most Christian King, and the citizens of the United States who shall prove by legal evidence that they are of the said nations respectively, shall in consequence enjoy an exemption from all personal service in the place of their settlement.

Citizens exempted from personal service in place of settlement.

ARTICLE XV.

If any other nation acquires by virtue of any convention whatever a treatment more favourable with respect to the consular preeminences, powers, authority, and privileges, the Consuls and Vice-Consuls of the Most Christian King, or of the United States, reciprocally shall participate therein, agreeable to the terms stipulated by the second, third, and fourth articles of the treaty of amity and commerce concluded between the Most Christian King and the United States.

If either party grant greater consular privileges to another nation they shall be common to both.

ARTICLE XVI.

The present convention shall be in full force during the term of twelve years, to be counted from the day of the exchange of ratifications, which shall be given in proper form, and exchanged on both sides within the space of one year, or sooner if possible.

Duration of this convention.

In faith whereof we, Ministers Plenipotentiary, have signed the present convention, and have thereto set the seal of our arms.

Done at Versailles the 14th of November, one thousand seven hundred and eighty-eight.

L. C. DE MONTMORIN. [L. S.]
TH: JEFFERSON. [L. S.]

FRANCE, 1800.

CONVENTION BETWEEN THE FRENCH REPUBLIC AND THE UNITED STATES OF AMERICA. CONCLUDED, SEPTEMBER 30, 1800; RATIFICATIONS EXCHANGED JULY 31, 1801; PROCLAIMED DECEMBER 21, 1801.

Convention for terminating the differences between the United States and France.

The Premier Consul of the French Republic in the name of the people of France, and the President of the United States of America, equally desirous to terminate the differences which have arisen between the two States, have respectively appointed their Plenipotentiaries, and given them full power to treat upon those differences, and to terminate the same; that is to say, the Premier Consul of the French Republic, in the name of the people of France, has appointed for the Plenipotentiaries of the said Republic the citizens Joseph Bonaparte, ex-Ambassador at Rome and Counsellor of State; Charles Pierre Claret Fleurieu, Member of the National Institute and of the Board of Longitude of France and Counsellor of State, President of the Section of Marine; and Pierre Louis Rœderer, Member of the National Institute of France and Counsellor of State, President of the Section of the Interior; and the President of the United States of America, by and with the advice and consent of the Senate of the said States, has appointed for their Plenipotentiaries, Oliver Ellsworth, Chief Justice of the United States; William Richardson Davie, late Governor of the State of North Carolina; and William Vans Murray, Minister Resident of the United States at the Hague; who, after having exchanged their full powers, and after full and mature discussion of the respective interests, have agreed on the following articles:

ARTICLE I.

Firm, inviolable, and universal peace between the French Republic and United States of America.

There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between the French Republic and the United States of America, and between their respective countries, territories, cities, towns, and people, without exception of person or places.

ARTICLE II.*

Treaty of 6th Feb., 1778, and convention of 14th Nov., 1788, abrogated.

The Ministers Plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of 6th February, 1778, the treaty of amity and commerce of the same date, and the convention of 14th of November, 1788, nor upon the indemnities mutually due or claimed, the parties will

* This article was expunged before the final ratification of the treaty, and the following article was added:

"It is agreed that the present convention shall be in force for the term of eight years from the time of the exchange of ratifications."

negociate further on these subjects at a convenient time, and until they may have agreed upon these points the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated as follows:

ARTICLE III.

The public ships which have been taken on one part and the other, or which may be taken before the exchange of ratifications, shall be restored.

Captured public ships to be restored.

ARTICLE IV.

Property captured, and not yet definitively condemned, or which may be captured before the exchange of ratifications, (contraband goods destined to an enemy's port excepted,) shall be mutually restored on the following proofs of ownership, viz: The proof on both sides with respect to merchant ships, whether armed or unarmed, shall be a passport in the form following:

Captured property, if not definitively condemned, to be restored.

"*To all who shall see these presents, greeting:*

"It is hereby made known that leave and permission has been given to ——— ———, master and commander of the ship called ———, of the town of ———, burthen ——— tons, or thereabouts, lying at present in the port and haven of ———, and bound for ———, and laden with ———; after that his ship has been visited, and before sailing, he shall make oath before the officers who have the jurisdiction of maritime affairs, that the said ship belongs to one or more of the subjects of ———, the act whereof shall be put at the end of these presents, as likewise that he will keep, and cause to be kept, by his crew on board, the marine ordinances and regulations, and enter in the proper office a list, signed and witnessed, containing the names and surnames, the places of birth and abode of the crew of his ship, and of all who shall embark on board her, whom he shall not take on board without the knowledge and permission of the officers of the marine; and in every port or haven where he shall enter with his ship, he shall shew this present leave to the officers and judges of the marine, and shall give a faithful account to them of what passed and was done during his voyage; and he shall carry the colours, arms, and ensigns of the [French Republic or the United States] during his voyage. In witness whereof we have signed these presents, and put the seal of our arms thereunto, and caused the same to be countersigned by ——— ——— at ——— the ——— day of ——— anno Domini."

Form of the passport to merchant ships.

See treaty of 1778, article 25, ante, 26.

Proof of captured vessels restored.

And this passport will be sufficient without any other paper, any ordinance to the contrary notwithstanding; which passport shall not be deemed requisite to have been renewed or recalled, whatever number of voyages the said ship may have made, unless she shall have returned home within the space of a year. Proof with respect to the cargo shall be certificates, containing the several particulars of the cargo, the place whence the ship sailed and whither she is bound, so that the forbidden and contraband goods may be distinguished by the certificates; which certificates shall have been made out by the officers of the place whence the ship set sail, in the accustomed form of the country. And if such passport or certificates, or both, shall have been destroyed by accident or taken away by force, their deficiency may be supplied by such other proofs of ownership as

Proof with respect to cargo.

are admissible by the general usage of nations. Proof with respect to other than merchant ships shall be the commission they bear.

This article to take effect from the signature of this convention.

This article shall take effect from the date of the signature of the present convention. And if, from the date of the said signature, any property shall be condemned contrary to the intent of the said convention, before the knowledge of this stipulation shall be obtained, the property so condemned shall, without delay, be restored or paid for.

ARTICLE V.

Debts due by individuals of either nation may be paid, &c.

The debts contracted by one of the two nations with individuals of the other, or by the individuals of one with the individuals of the other, shall be paid, or the payment may be prosecuted, in the same manner as if there had been no misunderstanding between the two States. But this clause shall not extend to indemnities claimed on account of captures or confiscations.

ARTICLE VI.

Commerce between the parties to be free.

Commerce between the parties shall be free. The vessels of the two nations and their privateers, as well as their prizes, shall be treated in their respective ports as those of the nation the most favoured; and, in general, the two parties shall enjoy in the ports of each other, in regard to commerce and navigation, the privileges of the most favoured nation.

ARTICLE VII.

Citizens of either country to be at liberty to devise their property, and to have the right to take, to give, or devise without naturalization.

The citizens and inhabitants of the United States shall be at liberty to dispose by testament, donation, or otherwise, of their goods, moveable and immoveable, holden in the territory of the French Republic in Europe, and the citizens of the French Republic shall have the same liberty with regard to goods, moveable and immoveable, holden in the territory of the United States, in favor of such persons as they shall think proper. The citizens and inhabitants of either of the two countries who shall be heirs of goods, moveable or immoveable, in the other, shall be able to succeed ab intestato, without being obliged to obtain letters of naturalization, and without having the effect of this provision contested or impeded, under any pretext whatever; and the said heirs, whether such by particular title, or ab intestato, shall be exempt from any duty whatever in both countries. It is agreed that this article shall in no manner derogate from the laws which either State may now have in force, or hereafter may enact, to prevent emigration; and also that in case the laws of either of the two States should restrain strangers from the exercise of the rights of property with respect to real estate, such real estate may be sold, or otherwise disposed of, to citizens or inhabitants of the country where it may be, and the other nation shall be at liberty to enact similar laws.

ARTICLE VIII.

In case of war between the two nations six months to be allowed to remove property.

To favor commerce on both sides it is agreed that, in case a war should break out between the two nations, which God forbid, the term of six months after the declaration of war shall be allowed to the merchants and other citizens and inhabitants respectively, on one side and the other, during which time they shall be at liberty to withdraw themselves, with their

effects and moveables, which they shall be at liberty to carry, send away, or sell, as they please, without the least obstruction; nor shall their effects, much less their persons, be seized during such term of six months; on the contrary, passports, which shall be valid for a time necessary for their return, shall be given to them for their vessels and the effects which they shall be willing to send away or carry with them; and such passports shall be a safe conduct against all insults and prizes which privateers may attempt against their persons and effects. And if anything be taken from them, or any injury done to them or their effects, by one of the parties, their citizens or inhabitants, within the term above prescribed, full satisfaction shall be made to them on that account.

ARTICLE IX.

Neither the debts due from individuals of the one nation to individuals of the other, nor shares, nor monies, which they may have in public funds, or in the public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

No debts to be sequestered or confiscated in case of war.

ARTICLE X.

It shall be free for the two contracting parties to appoint commercial agents for the protection of trade, to reside in France and the United States. Either party may except such place as may be thought proper from the residence of those agents. Before any agent shall exercise his functions, he shall be accepted in the usual forms by the party to whom he is sent; and when he shall have been accepted and furnished with his exequatur, he shall enjoy the rights and prerogatives of the similar agents of the most favoured nations.

Commercial agents may be appointed.

Agents to act after being furnished with exequatur.

ARTICLE XI.

The citizens of the French Republic shall pay in the ports, havens, roads, countries, islands, cities, and towns of the United States, no other or greater duties or imposts, of what nature soever they may be, or by what name soever called, than those which the nation most favored are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce, whether in passing from one port in the said States to another, or in going to and from the same from and to any part of the world, which the said nations do or shall enjoy. And the citizens of the United States shall reciprocally enjoy, in the territories of the French Republic in Europe, the same privileges and immunities, as well for their property and persons as for what concerns trade, navigation, and commerce.

Duties to be paid no more than the duties paid by the most favoured nations.

ARTICLE XII.

It shall be lawful for the citizens of either country to sail with their ships and merchandize (contraband goods always excepted) from any port whatever to any port of the enemy of the other, and to sail and trade with their ships and merchandise, with perfect security and liberty, from the countries, ports, and places of those who are enemies of both, or of

Citizens of France and of the United States to be at liberty to trade from enemies' to other ports of either country unless blockaded.

either party, without any opposition or disturbance whatsoever, and to pass not only directly from the places and ports of the enemy aforementioned to neutral ports and places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of the same Power or under the several, unless such ports or places shall be actually blockaded, besieged, or invested.

Notice of blockade to be given before capture of vessels; and vessels to be permitted to go to other ports.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is either besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but she shall not be detained, nor any part of her cargo, if not contraband, be confiscated, unless, after notice of such blockade or investment, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo, nor if found therein after the reduction and surrender of such place shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ARTICLE XIII.

Contraband.

In order to regulate what shall be deemed contraband of war, there shall be comprised, under that denomination, gun-powder, saltpetre, petards, match, ball, bombs, grenades, carcasses, pikes, halberts, swords, belts, pistols, holsters, cavalry-saddles and furniture, cannon, mortars, their carriages and beds, and generally all kinds of arms, ammunition of war, and instruments fit for the use of troops;

Vessels laden with contraband goods, the residue of the cargo not to be infected by the prohibited goods.

all the above articles, whenever they are destined to the port of an enemy, are hereby declared to be contraband, and just objects of confiscation; but the vessel in which they are laden, and the residue of the cargo, shall be considered free, and not in any manner infected by the prohibited goods, whether belonging to the same or a different owner.

ARTICLE XIV.

Free ships make free goods; not contraband, although belonging to an enemy.

It is hereby stipulated that free ships shall give a freedom to goods, and that everything shall be deemed to be free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also

Persons not military to be protected in free ships.

agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to either party, they are not to be taken out of that free ship, unless they are soldiers and in actual service of the enemy.

ARTICLE XV.

Confiscation of goods laden on board of an enemy's vessel after war is declared.

On the contrary, it is agreed that whatever shall be found to be laden by the citizens of either party on any ship belonging to the enemies of the other, or their citizens, shall be confiscated without distinction of goods, contraband or not contraband, in the same manner as if it belonged to the enemy, except such goods and merchandizes as were put on board such ship before the declaration

of war, or even after such declaration, if so be it were done without knowledge of such declaration; so that the goods of the citizens of either party, whether they be of the nature of such as are prohibited, or otherwise, which, as is aforesaid, were put on board any ship belonging to an enemy before the war, or after the declaration of the same, without the knowledge of it, shall no ways be liable to confiscation, but shall well and truly be restored without delay to the proprietors demanding the same; but so as that if the said merchandizes be contraband, it shall not be any ways lawful to carry them afterwards to any ports belonging to the enemy. The two contracting parties agree that the term of two months being passed after the declaration of war, their respective citizens, from whatever part of the world they come, shall not plead the ignorance mentioned in this article.

Article XVI.

Passports to be exhibited, and also certificates of the quality of goods.

The merchant ships belonging to the citizens of either of the contracting parties, which shall be bound to a port of the enemy of one of the parties, and concerning whose voyage and the articles of their cargo there shall be just grounds of suspicion, shall be obliged to exhibit, as well upon the high seas as in the ports or roads, not only their passports, but likewise their certificates, showing that their goods are not of the quality of those which are specified to be contraband in the thirteenth article of the present convention.

Article XVII.

In time of war the ships of the neutral nation to be furnished with passports mentioned in the fourth article.

And that captures on light suspicions may be avoided, and injuries thence arising prevented, it is agreed that when one party shall be engaged in war, and the other party be neuter, the ships of the neutral party shall be furnished with passports similar to that described in the fourth article, that it may appear thereby that the ships really belong to the citizens of the neutral party; they shall be valid for any number of voyages, but shall be renewed every year; that is, if the ship happens to return home in the space of a year. If the ships are laden, they shall be provided not only with the passports above mentioned, but also with certificates similar to those described in the same article, so that it may be known whether they carry any contraband goods. No other paper shall be required, any usage or ordinance to the contrary notwithstanding. And if it shall not appear from the said certificates that there are contraband goods on board, the ships shall be permitted to proceed on their voyage. If it shall appear from the certificates that there are contraband goods on board any such ship, and the commander of the same shall offer to deliver them up, the offer shall be accepted, and the ship shall be at liberty to pursue its voyage, unless the quantity of the contraband goods be greater than can conveniently be received on board the ship of war or privateer, in which case the ship may be carried into port for the delivery of the same.

If contraband goods found on board are delivered up, the ship may pursue her voyage.

If any ship shall not be furnished with such passport or certificates as are above required for the same, such case may be examined by a proper judge or tribunal, and if it shall appear from other documents or proofs admissible by the usage of nations, that the ship belongs to the citizens of the neutral party, it shall not be confiscated, but shall be released with her cargo (contraband goods excepted) and be permitted to proceed on her voyage.

If there is no passport and other proof of the neutrality of the vessel, no condemnation.

If the master of a ship named in the passport should happen to die, or be removed by any other cause, and another put in his place, the ship and cargo shall nevertheless be equally secure, and the passport remain in full force.

If master of the vessel dies, the ship and cargo shall be secure.

ARTICLE XVIII.

If the ships of the citizens of either of the parties shall be met with, either sailing along the coasts or on the high seas, by any ship of war or privateer of the other, for the avoiding of any disorder the said ships of war or privateers shall remain out of cannon-shot, and may send their boats on board the merchant ship which they shall so meet with, and may enter her to the number of two or three men only, to whom the master or commander of such ship shall exhibit his passport concerning the property of the ship, made out according to the form prescribed in the fourth article. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other examination whatever.

Ships of either nation if examined at sea, boats to be sent, and ships of war or privateers to remain out of cannon-shot.

ARTICLE XIX.

It is expressly agreed by the contracting parties that the stipulations above mentioned, relative to the conduct to be observed on the sea by the cruisers of the belligerent party towards the ships of the neutral party, shall be applied only to ships sailing without convoy; and when the said ships shall be convoyed, it being the intention of the parties to observe all the regard due to the protection of the flag displayed by public ships, it shall not be lawful to visit them; but the verbal declaration of the commander of the convoy, that the ships he convoys belong to the nation whose flag he carries, and that they have no contraband goods on board, shall be considered by the respective cruisers as fully sufficient, the two parties reciprocally engaging not to admit, under the protection of their convoys, ships which shall carry contraband goods destined to an enemy.

Ships under convoy not to be examined.

ARTICLE XX.

In all cases where vessels shall be captured or detained, under pretence of carrying to the enemy contraband goods, the captor shall give a receipt for such of the papers of the vessel as he shall retain, which receipt shall be annexed to a descriptive list of the said papers; and it shall be unlawful to break up or open the hatches, chests, trunks, casks, bales, or vessels found on board, or remove the smallest part of the goods, unless the lading be brought on shore in presence of the competent officers, and an inventory be made by them of the said goods; nor shall it be lawful to sell, exchange, or alienate the same in any manner, unless there shall have been lawful process, and the competent judge or judges shall have pronounced against such goods sentence of confiscation, saving always the ship and the other goods which it contains.

Receipts to be given for the papers of captured vessels.

Sale of captured vessels not to be made without lawful condemnation.

ARTICLE XXI.

And that proper care may be taken of the vessel and cargo, and embezzlement prevented, it is agreed that it shall not be lawful to remove the master, commander, or supercargo of any captured ship from on board thereof, either during the time the ship may be at sea after her capture, or pending the proceedings against her or her cargo, or anything relative thereto. And in all cases where a vessel of the citizens of either party shall be captured or seized, and held for adjudication, her officers, passengers, and crew shall be hospitably treated. They shall not be imprisoned or deprived of any part of their wearing apparel, nor of the possession and use of their money, not exceeding for the captain, supercargo, and mate five hundred dollars each, and for the sailors and passengers one hundred dollars each.

The master, commander, or supercargo not to be removed.

Treatment of crew and passengers.

ARTICLE XXII.

It is further agreed that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either of the parties shall pronounce judgment against any vessel or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of the said vessel, without any delay, he paying the legal fees for the same.

Prizes to be condemned by established prize courts.

ARTICLE XXIII.

And that more abundant care may be taken for the security of the respective citizens of the contracting parties, and to prevent their suffering injuries by the men-of-war or privateers of either party, all commanders of ships of war and privateers, and all others the said citizens, shall forbear doing any damage to those of the other party, or committing any outrage against them, and if they act to the contrary they shall be punished, and shall also be bound in their persons and estates to make satisfaction and reparation for all damages and the interest thereof, of whatever nature the said damages may be.

Damages by men-of-war or privateers to be paid.

For this cause all commanders of privateers, before they receive their commissions, shall hereafter be obliged to give, before a competent judge, sufficient security by at least two responsible sureties who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of seven thousand dollars or thirty-six thousand eight hundred and twenty francs, or if such ships be provided with above one hundred and fifty seamen or soldiers, in the sum of fourteen thousand dollars, or seventy-three thousand six hundred and forty francs, to satisfy all damages and injuries which the said privateer, or her officers, or men, or any of them, may do or commit during their cruise, contrary to the tenor of this convention, or to the laws and instructions for regulating their conduct; and further, that in all cases of aggression the said commission shall be revoked and annulled.

Commanders of privateers to give security.

ARTICLE XXIV.

Armed vessels and prizes not to pay duties, and not to be examined.

When the ships of war of the two contracting parties, or those belonging to their citizens which are armed in war, shall be admitted to enter with their prizes the ports of either of the two parties, the said public or private ships, as well as their prizes, shall not be obliged to pay any duty either to the officers of the place, the judges, or any others; nor shall such prizes, when they come to and enter the ports of either party, be arrested or seized, nor shall the officers of the place make examination concerning the lawfulness of such prizes; but they may hoist sail at any time and depart, and carry their prizes to the places expressed in their commissions, which the commanders of such ships of war shall be obliged to shew. It is always understood that the stipulations of this article shall not extend beyond the privileges of the most favored nation.

ARTICLE XXV.

Restrictions on foreign privateers.

It shall not be lawful for any foreign privateers who have commissions from any Prince or State in enmity with either nation, to fit their ships in the ports of either nation, to sell their prizes, or in any manner to exchange them; neither shall they be allowed to purchase provisions, except such as shall be necessary for their going to the next port of that Prince or State from which they have received their commissions.

ARTICLE XXVI.

Pirates to be prohibited entering the ports of either nation.

It is further agreed that both the said contracting parties shall not only refuse to receive any pirates into any of their ports, havens, or towns, or permit any of their inhabitants to receive, protect, harbor, conceal, or assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offences.

The ships and goods taken by pirates to be seized.

And all their ships, with the goods or merchandises, taken by them and brought into the port of either of the said parties, shall be seized as far as they can be discovered, and shall be restored to the owners, or their factors or agents duly authorised by them; (proper evidence being first given before competent judges for proving the property;) even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew or had good reason to believe or suspect that they had been piratically taken.

ARTICLE XXVII.

The fisheries of either party not to be interfered with.

Neither party will intermeddle in the fisheries of the other on its coasts, nor disturb the other in the exercise of the rights which it now holds or may acquire on the coast of Newfoundland, in the Gulph of St. Lawrence, or elsewhere on the American coast northward of the United States. But the whale and seal fisheries shall be free to both in every quarter of the world.

Ratifications exchanged within six months.

This convention shall be ratified on both sides in due form, and the ratifications exchanged in the space of six months, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the

above articles both in the French and English languages, and they have thereto affixed their seals: declaring, nevertheless, that the signing in the two languages shall not be brought into precedent, nor in any way operate to the prejudice of either party.

Done at Paris the eighth day of Vendémiaire of the ninth year of the French Republic, the thirtieth day of September, anno Domini eighteen hundred.

J. BONAPARTE. [L. S.]
C. P. FLEURIEU. [L. S.]
ROEDERER. [L. S.]
O. ELLSWORTH. [L. S.]
W. R. DAVIE. [L. S.]
W. V. MURRAY. [L. S.]

[The Senate of the United States did, by their resolution on the 3d day of February, 1801, consent to and advise the ratification of the convention: *Provided*, The second article be expunged, and that the following article be added or inserted: "It is agreed that the present convention shall be in force for the term of eight years from the time of the exchange of the ratifications."

Bonaparte, First Consul, in the name of the French people, consented on the 31st July, 1801, "to accept, ratify, and confirm the above convention, with the addition importing that the convention shall be in force for the space of eight years, and with the retrenchment of the second article: *Provided*, That by this retrenchment the two States renounce the respective pretentions, which are the object of the said article."

These ratifications, having been exchanged at Paris on the 31st of July, 1801, were again submitted to the Senate of the United States, which on the 19th of December, 1801, declared the convention fully ratified, and returned it to the President for promulgation.]

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE FRENCH REPUBLIC. CONCLUDED APRIL 30, 1803.

Desire of the parties to remove all sources of misunderstanding relative to the construction of the treaty of Madrid, &c., &c.

The President of the United States of America, and the First Consul of the French Republic, in the name of the French people, desiring to remove all source of misunderstanding relative to objects of discussion mentioned in the second and fifth articles of the convention of the 8th Vendémiaire, an 9 (30th September, 1800) relative to the rights claimed by the United States, in virtue of the treaty concluded at Madrid, the 27th of October, 1795, between his Catholic Majesty and the said United States, and willing to strengthen the union and friendship which at the time of the said convention was happily re-established between the two nations, have respectively named their Plenipotentiaries, to wit: the President of the United States, [of America,] by and with the advice and consent of the Senate of the said States, Robert R. Livingston, Minister Plenipotentiary of the United States, and James Monroe, Minister Plenipotentiary and Envoy Extraordinary of the said States, near the Government of the French Republic; and the First Consul, in the name of the French people, Citizen Francis Barbé Marbois, Minister of the Public Treasury; who, after having respectively exchanged their full powers, have agreed to the following articles:

ARTICLE I.

Retrocession from Spain to France stated.

Whereas by the article the third of the treaty concluded at St. Idelfonso, the 9th Vendémiaire, an 9 (1st October, 1800,) between the First Consul of the French Republic and His Catholic Majesty, it was agreed as follows: "His Catholic Majesty promises and engages on his part, to cede to the French Republic, six months after the full and entire execution of the conditions and stipulations herein relative to His Royal Highness the Duke of Parma, the colony or province of Louisiana, with the same extent that it now has in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and other States." And whereas, in pursuance of the treaty, and particularly of the third article, the French Republic has an incontestible title to the domain and to the possession of the said territory: The First Consul of the French Republic desiring to give to the United States a strong proof of his friendship, doth hereby cede to the said United States, in the name of the French Republic, forever and in full sovereignty, the said territory, with all its rights and appurtenances, as fully and in the same manner as they have been acquired by the French Republic, in virtue of the above-mentioned treaty, concluded with His Catholic Majesty.

ARTICLE II.

Islands, &c., included in the cession by the preceding articles.

In the cession made by the preceding article are included the adjacent islands belonging to Louisiana, all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private property. The archives, papers, and documents, relative to the domain and sovereignty of Louisiana and its dependences, will be left in the possession of the commissaries of the United States, and copies will be afterwards given in due form to the magistrates and municipal officers of such of the said papers and documents as may be necessary to them.

ARTICLE III.

Inhabitants of the ceded territory incorporated in the Union upon certain principles.

The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

ARTICLE IV.

A commissary to be sent from France to receive the province of Louisiana, and to pass it over to the United States.

There shall be sent by the Government of France a commissary to Louisiana, to the end that he do every act necessary, as well to receive from the officers of His Catholic Majesty the said country and its dependences, in the name of the French Republic, if it has not been already done, as to transmit it in the name of the French Republic to the commissary or agent of the United States.

ARTICLE V.

When the commissaries of the United States shall have possession.

Immediately after the ratification of the present treaty by the President of the United States, and in case that of the First Consul shall have been previously obtained, the commissary of the French Republic shall remit all military posts of

New Orleans, and other parts of the ceded territory, to the commissary or commissaries named by the President to take possession; the troops, whether of France or Spain, who may be there, shall cease to occupy any military post from the time of taking possession, and shall be embarked as soon as possible, in the course of three months after the ratification of this treaty.

Article VI.

The United States promise to execute such treaties and articles as may have been agreed between Spain and the tribes and nations of Indians, until, by mutual consent of the United States and the said tribes or nations, other suitable articles shall have been agreed upon.

United States to execute certain Indian treaties.

Article VII.

As it is reciprocally advantageous to the commerce of France and the United States to encourage the communication of both nations for a limited time in the country ceded by the present treaty, until general arrangements relative to the commerce of both nations may be agreed on; it has been agreed between the contracting parties, that the French ships coming directly from France or any of her colonies, loaded only with the produce and manufactures of France or her said colonies; and the ships of Spain coming directly from Spain or any of her colonies, loaded only with the produce or manufactures of Spain or her colonies, shall be admitted during the space of twelve years in in the port of New Orleans, and in all other legal ports of entry within the ceded territory, in the same manner as the ships of the United States coming directly from France or Spain, or any of their colonies, without being subject to any other or greater duty on merchandize, or other or greater tonnage than that paid by the citizens of the United States.

Vessels of France and Spain laden with the productions of their respective countries entitled to same privileges as vessels of United States, &c.

During the space of time above mentioned, no other nation shall have a right to the same privileges in the ports of the ceded territory; the twelve years shall commence three months after the exchange of ratifications, if it shall take place in France, or three months after it shall have been notified at Paris to the French Government, if it shall take place in the United States; it is however well understood that the object of the above article is to favor the manufactures, commerce, freight, and navigation of France and of Spain, so far as relates to the importations that the French and Spanish shall make into the said ports of the United States, without in any sort affecting the regulations that the United States may make concerning the exportation of the produce and merchandize of the United States, or any right they may have to make such regulations.

No other vessels entitled to same privilege during said period.

Article VIII.

In future and forever after the expiration of the twelve years, the ships of France shall be treated upon the footing of the most favoured nations in the ports above mentioned.

Vessels of France to be upon the footing of those of the most favored nations.

Article IX.

The particular convention signed this day by the respective ministers,

Convention providing for the payment of debts to citizens of United States to be ratified when this is.

having for its object to provide for the payment of debts due to the citizens of the United States by the French Republic prior to the 30th Septr. 1800, (8th Vendémiaire, an 9,) is approved, and to have its execution in the same manner as if it had been inserted in this present treaty; and it shall be ratified in the same form and in the same time, so that the one shall not be ratified distinct from the other.

Another particular convention signed at the same date as the present treaty relative to a definitive rule between the contracting parties is in the like manner approved, and will be ratified in the same form, and in the same time, and jointly.

Another convention to be ratified at the same time.

ARTICLE X.

The present treaty shall be ratified in good and due form, and the ratifications shall be exchanged in the space of six months after the date of the signature by the Ministers Plenipotentiary, or sooner if possible.

In what time the ratifications must be exchanged.

In faith whereof, the respective Plenipotentiaries have signed these articles in the French and English languages; declaring nevertheless that the present treaty was originally agreed to in the French language; and have thereunto affixed their seals.

Done at Paris the tenth day of Floréal, in the eleventh year of the French Republic, and the 30th of April, 1803.

ROBT. R. LIVINGSTON. [L. S.]
JAS. MONROE. [L. S.]
F. BARBÉ MARBOIS. [L. S.]

FRANCE, 1803.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE FRENCH REPUBLIC. CONCLUDED APRIL 30, 1803.

The President of the United States of America and the First Consul of the French Republic, in the name of the French people, in consequence of the treaty of cession of Louisiana, which has been signed this day, wishing to regulate definitively everything which has relation to the said cession, have authorized to this effect the Plenipotentiaries, that is to say: the President of the United States has, by and with the advice and consent of the Senate of the said States, nominated for their Plenipotentiaries, Robert R. Livingston, Minister Plenipotentiary of the United States, and James Monroe, Minister Plenipotentiary and Envoy Extraordinary of the said United States, near the Government of the French Republic; and the First Consul of the French Republic, in the name of the French people, has named as Plenipotentiary of the said Republic, the citizen Francis Barbé Marbois; who, in virtue of their full powers, which have been exchanged this day, have agreed to the following articles:

ARTICLE I.

The Government of the United States engages to pay to the French Government, in the manner specified in the following article, the sum of sixty millions of francs, independent of the sum which shall be fixed by another convention for the payment of the debts due by France to citizens of the United States.

United States engage to pay 60,000,000 francs to France, &c.

ARTICLE II.

For the payment of the sum of sixty millions of francs, mentioned in the preceding article, the United States shall create a stock of eleven millions two hundred and fifty thousand dollars, bearing an interest of six per cent. per annum, payable half yearly in London, Amsterdam, or Paris, amounting by the half year, to three hundred and thirty-seven thousand five hundred dollars, according to the proportions which shall be determined by the French Government to be paid at either place; the principal of the said stock to be reimbursed at the Treasury of the United States, in annual payments of not less than three millions of dollars each, of which the first payment shall commence fifteen years after the date of the exchange of ratifications: this stock shall be transferred to the Government of France, or to such person or persons as shall be authorized to receive it, in three months at most after the exchange of the ratifications of this treaty, and after Louisiana shall be taken possession of in the name of the Government of the United States.

A stock to be created equal to the 60,000,000 of francs, &c.

When the first payments shall be made.

It is further agreed, that if the French Government should be desirous of disposing of the said stock to receive the capital in Europe, at shorter terms, that its measures for that purpose shall be taken so as to favor, in the greatest degree possible, the credit of the United States, and to raise to the highest price the said stock.

French government selling stock in Europe, to do it upon the best terms for United States.

ARTICLE III.

It is agreed that the dollar of the United States, specified in the present convention, shall be fixed at five francs $\frac{3333}{10000}$ or five livres eight sous tournois.

Value of the dollar of United States referred to, fixed.

The present convention shall be ratified in good and due form, and the ratifications shall be exchanged in the space of six months to date from this day, or sooner if possible.

When convention must be ratified and exchanged.

In faith of which, the respective Plenipotentiaries have signed the above articles, both in the French and English languages, declaring, nevertheless, that the present treaty has been originally agreed on and written in the French language; to which they have hereunto affixed their seals.

Done at Paris the tenth of Floréal, eleventh year of the French Republic, (30th April, 1803.)

ROBT. R. LIVINGSTON. [L. S.]
JAS. MONROE. [L. S.]
BARBÉ MARBOIS. [L. S.]

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE FRENCH REPUBLIC. CONCLUDED APRIL 30, 1803.

The President of the United States of America and the First Consul of the French Republic, in the name of the French people, having by a treaty of this date terminated all difficulties relative to Louisiana, and established on a solid foundation the friendship which unites the two nations, and being desirous, in compliance with the second and fifth articles of the convention of the eighth Vendémiaire, ninth year of the French Republic, (30th September, 1800,) to secure the payment of the sums due by France to the citizens of the United States, have respect-

ively nominated as Plenipotentiaries, that is to say: the President of the United States of America, by and with the advice and consent of their Senate, Robert R. Livingston, Minister Plenipotentiary, and James Monroe, Minister Plenipotentiary and Envoy Extraordinary of the said States, near the Government of the French Republic; and the First Consul, in the name of the French people, the citizen Francis Barbé Marbois, Minister of the Public Treasury; who, after having exchanged their full powers, have agreed to the following articles:

Article I.

Debts due from France to citizens of United States to be paid according to fixed regulations.

The debts due by France to citizens of the United States, contracted before the 8th of Vendémiaire, ninth year of the French Republic, (30th September, 1800,) shall be paid according to the following regulations, with interest at six per cent., to commence from the periods when the accounts and vouchers were presented to the French Government.

Article II.

Debts provided for by the preceding article.

The debts provided for by the preceding article are those whose result is comprised in the conjectural note annexed to the present convention, and which, with the interest, cannot exceed the sum of twenty millions of francs. The claims comprised in the said note which fall within the exceptions of the following articles, shall not be admitted to the benefit of this provision.

Article III.

How the said debts are to be paid.

The principal and interests of the said debts shall be discharged by the United States, by orders drawn by their Minister Plenipotentiary on their treasury; these orders shall be payable sixty days after the exchange of ratifications of the treaty and the conventions signed this day, and after possession shall be given of Louisiana by the commissaries of France to those of the United States.

Article IV.

What debts are comprehended by the preceding articles.

It is expressly agreed that the preceding articles shall comprehend no debts but such as are due to citizens of the United States, who have been and are yet creditors of France, for supplies, for embargoes, and prizes made at sea, in which the appeal has been properly lodged within the time mentioned in the said convention, 8th Vendémiaire, ninth year, (30th September, 1800.)

Article V.

To what cases they are particularly to apply.

The preceding articles shall apply only, 1st, to captures of which the council of prizes shall have ordered restitution, it being well understood that the claimant cannot have recourse to the United States, otherwise than he might have had to the Government of the French Republic, and only in case of insufficiency of the captors; 2d, the debts mentioned in the said fifth article of the convention contracted before the 8th Vendémiaire, an 9, (30th September, 1800,) the payment of which has been heretofore claimed of the actual Government of France, and for which the creditors have a right to the protection of the United States; the said fifth article does not comprehend prizes whose condemnation has been or shall be confirmed: it is the

express intention of the contracting parties not to extend the benefit of the present convention to reclamations of American citizens, who shall have established houses of commerce in France, England, or other countries than the United States, in partnership with foreigners, and who by that reason and the nature of their commerce ought to be regarded as domiciliated in the places where such houses exist. All agreements and bargains concerning merchandize, which shall not be the property of American citizens, are equally excepted from the benefit of the said convention, saving, however, to such persons their claims in like manner as if this treaty had not been made.

Article VI.

And that the different questions which may arise under the preceding article may be fairly investigated, the Ministers Plenipotentiary of the United States shall name three persons, who shall act from the present and provisionally, and who shall have full power to examine, without removing the documents, all the accounts of the different claims already liquidated by the bureaus established for this purpose by the French Republic, and to ascertain whether they belong to the classes designated by the present convention and the principles established in it; or if they are not in one of its exceptions and on their certificate, declaring that the debt is due to an American citizen or his representative, and that it existed before the 8th Vendémiaire, 9th year, (30th September, 1800,) the debtor shall be entitled to an order on the treasury of the United States, in the manner prescribed by the third article.

Ministers Plenipotentiary of United States to appoint commissioners to act provisionally.

Article VII.

The same agents shall likewise have power, without removing the documents, to examine the claims which are prepared for verification, and to certify those which ought to be admitted by uniting the necessary qualifications, and not being comprised in the exceptions contained in the present convention.

To examine the claims, &c., and to certify those which ought to be admitted.

Article VIII.

The same agents shall likewise examine the claims which are not prepared for liquidation, and certify in writing those which in their judgment ought to be admitted to liquidation.

To examine those not prepared for liquidation, &c.

Article IX.

In proportion as the debts mentioned in these articles shall be admitted, they shall be discharged with interest, at six per cent., by the treasury of the United States.

Debts discharged at the Treasury of United States with interest.

Article X.

And that no debt which shall not not have the qualifications above mentioned, and that no unjust or exorbitant demand may be admitted, the commercial agent of the United States at Paris, or such other agent as the Minister Plenipotentiary of the United States shall think proper to nominate, shall assist at the operations of the bureaus, and co-operate in the examination of the

Commercial agent of United States at Paris to assist in the examination of claims, &c.

claims; and if this agent shall be of opinion that any debt is not completely proved, or if he shall judge that it is not comprised in the principles of the fifth article above mentioned, and if, notwithstanding his opinion, the bureaus established by the French Government should think that it ought to be liquidated, he shall transmit his observations to the board established by the United States, who, without removing documents, shall make a complete examination of the debt and vouchers which support it, and report the result to the Minister of the United States. The Minister of the United States shall transmit his observations, in all such cases, to the Minister of the Treasury of the French Republic, on whose report the French Government shall decide definitively in every case.

Rejection of a claim to exempt United States from paying it.

The rejection of any claim shall have no other effect than to exempt the United States from the payment of it, the French Government reserving to itself the right to decide definitively on such claim so far as it concerns itself.

ARTICLE XI.

Decisions to be made, &c.

Every necessary decision shall be made in the course of a year, to commence from the exchange of ratifications, and no reclamation shall be admitted afterwards.

ARTICLE XII.

Claims since 30th Sept., 1800, may be pursued, and payment demanded.

In case of claims for debts contracted by the Government of France with citizens of the United States since the 8th Vendémiaire, ninth year, (30th September, 1800,) not being comprised in this convention, may be pursued, and the payment demanded in the same manner as if it had not been made.

ARTICLE XIII.

When this convention must be ratified, &c.

The present convention shall be ratified in good and due form, and the ratifications shall be exchanged in six months from the date of the signature of the Ministers Plenipotentiary, or sooner if possible.

In faith of which, the respective Ministers Plenipotentiary have signed the above articles both in the French and English languages, declaring, nevertheless, that the present treaty has been originally agreed on and written in the French language; to which they have hereunto affixed their seals.

Done at Paris, the tenth of Floréal, eleventh year of the French Republic, 30th April, 1803.

ROBT. R. LIVINGSTON. [L. S.]
JAS. MONROE. [L. S.]
BARBÉ MARBOIS. [L. S.]

TABLEAU GÉNÉRAL DES RÉCLAMATIONS AMÉRICAINES.

Liquidation générale de la dette publique, 4me direction, 1re section.

CRÉANCES RECONNUES PAR L'EX-COMMISSION DE LA COMPTABILITÉ INTERMÉDIAIRE.

Numéros.	Dates des arrêtés de la commission portant liquidation.	Noms des propriétaires et des fondés de pouvoirs ou cessionaires.	Objets des réclamations.	Sommes liquidées ou à liquider.	Observations.
No.	An X.			*Liv. s. d.*	
1	Ventôse 2	Maurice Girard, par James Swan.....	Riz et farines versés à Paris.....	112, 862 2 8	Fourniture réglée par le ministre de l'intérieur.
2	.... " ..... dit.	—— Smith, par le même.....	Viande salée livrée au Havre.....	12, 836 5 0	Pour solde. Na. Il avait été payé sur cette M. Bo. 67,849 9 9 au L. Tourn. 125,521 13.
3	.... " 4	Waters Griffith, par le même.....	Farine versée à l'Orient.....	132, 160 0 0	Indépendamment d'un à-compte reçu de 40,000.
4	.... " 24	Thomas Ramsden, par le même.....	Solde de draperie livrée à Dunkerque	173, 861 15 0	
5	.... " ..... dit.	Benjamin Jenné, par le même.....	Cuir, coton et indigo versés au Havre en l'an 2.	149, 457 16 8	
6	.... " ..... dit.	John Andrews, par le même.....	Cuir, coton et indigo versés au Havre en l'an 3.	298, 375 15 0	
7	.... " 26	—— Clark, par Gueslain.....	Cent pièces guinées bleues versées au Sénégal en l'an 4.	6, 800 0 0	Créance réglée par le cen. Rozier, vice-consul à New York.
8	.... " ..... dit.	Riebins Smith, par le même.....	Farines versées à l'Orient et à Bordeaux en l'an 3.	187, 388 18 9	Pour solde, le tiers ayant été payé d'avance en Amérique sur réglemt. du même Rozier.
9	Germinal 12	Le Barring, par James Swan.....	Vins et eaux de vie versés à l'Isle de France en l'an 2.	204, 183 0 0	Une partie a été payée par l'administration du Cap en papier-monnaie.
10	Floréal 8	Taney et Simmons, par Mellville.....	Riz du navire Carolina Planter.....	177, 153 4 0	Indépendamment d'un à-compte reçu de 32,987. *Espèces.*
11	.... " 23	John Higginson.....	Bœuf salé et cuirs à semelles, versés à Bordeaux en l'an 3.	111, 206 10 0	L'autre moitié payée en l'an 4.
12	.... " 29	Joshua Barney.....	Farine versée à Bordeaux en l'an 2.....	156, 165 16 9	Une partie de cette fourniture a été payée en vins et eaux de vie.
13	Prairial 2	Peter Whiteside.....	Draperie livrée à Boulogne-sur-Mer en l'an 2..	122, 367 8 0	Pour solde, un quart payé en l'an 3.
14	.... " 4	Joseph Sands.....	Cuirs et viandes salées livrés à Bordeaux, Brest, le Havre, et les Sables.	138, 850 17 3	Pour solde, une partie payée en l'an 4.
15	.... " 6	John R. Livingston.....	Cuirs livrés au Havre et à Brest en l'an 3.....	330, 786 12 0	Payé en l'an 4. 40,726.
16	.... " 19	James Swan et Schweitzer.....	Réglement définitif de compte comme agent du gouvernement, environs.	1, 000, 000 0 0	Pour autant dû à sa maison particulière pour les objets qui lui sont propres et défalcation des parties qui lui sont communes avec Schweitzer.
17	.... " 26	John Sinclair	Demeurage en France; surestaries de trois bricks: Polly, Succès, Recovery.	50, 914 4 9	
	An 11.				
18	Brumaire 25	James Grubb.....	Cargaison de farine versée à Saint Domingo..	94, 468 7 8	Cette liquidation est la dernière arrêtée par la commission, dont les opérations ont été suspendues à l'époque de la création du conseil de liquidation, (au 1re vendémiaire l'an 10.)
				3, 459, 778 13 6	

CRÉANCES À LIQUIDER DONT LES RAPPORTS ONT ÉTÉ SOUMIS À L'APPROBATION DU DIRECTEUR PARTICULIER.

Numéros.	Dates des arrêtés de la commission portant liquidation.	Noms des propriétaires et des fondés de pouvoirs ou cessionaires.	Objets des réclamations.	Sommes liquidées ou à liquider.			Observations.
				Liv.	s.	d.	
19		John Smith, capitaine du navire La Nancy.	Bleds et farines versés à Brest	109, 806	15	9	James Barry, propriétaire.
20		Hugg Gemmil, do. du navire Malgivra		161, 790	3	9	
21		—— Low, do. du Succès	7,152½ poignées de morue livrées à l'Orient	16, 865	14	8	Pour solde.
22		John Grist, do. de l'Hannah	Farines pour l'approvisionment de Belle Isle	100, 296	11	8	Idem.
23		Erick Gladd, do. de la Lydia	Idem	128, 347	7	3	Deux voyages.
24		Gust Griffin, do. du Nantilhes	Idem	12, 305	17	6	
25		William Carhart, do. de la Colombia	Idem	113, 672	12	0	
26		Solomon Cook, do. de la Seaflower	Idem	26, 989	3	8	
27		Edward Staples, do. de la Diana	Idem	28, 582	10	3	
28		Samuel Norwood, do. de la Lydia	Idem	43, 437	2	9	
29		—— Sheffields, do. de l'Oneyda	Idem	225, 016	0	0	
30		—— Barrowdale, do. de l'Eliza	Idem	60, 298	0	0	
31		Thomas Norton, do. du Thorne	Farines et chandelles pour idem	107, 057	15	0	
32		Jam. Hemphile, do. de la Sally	Farines pour l'approvisionment de Belle Isle	197, 642	11	7	Deux voyages.
33		Isaac Snow, do. de l'Industrie	Morue livrée à l'Orient	18, 062	5	3	Pour solde. Les deux tiers payés.
34		—— Hodge, do. du Henry	Frets de gaudron et surestaries	20, 020	15	3	
35		—— Buffington, do. de la Branche d'Olive.	Farine, chandelle, savon, morue, &c., livrés à l'Orient.	173, 378	0	2	
36		Alex. Black, do. du Samuel	Sucre, café, riz et douvilles livrés à Port Malo	33, 492	11	3	
37		—— Lowette, do. du navire le Lark	Morue livrée à Bayonne	89, 471	0	0	
38		—— Wales, do. du Genet	Chanvre pour le service de la marine à l'Orient	43, 937	10	6	Pour solde.
39		—— Blunt, do. du Hero	Riz, indigo et douvilles livrés à Cherbourg	23, 665	1	0	Do.
40		—— Buisson, do. de la Peggy	Surestaries, assignats, 19,032	74, 053	7	9	Suspendu.
41		Tupper & Platt, capitaines de l'Émilie.	Fret, surestaries, remboursement du navire	287, 679	10	0	Ajourné par le cen. Guillaume.
42		—— Titcomb, capitaine de la Marie	Fin de solde de surestaries	79, 200	0	0	
43		—— Cohnan, do. du Fame	Surestaries	1, 152	0	0	
44		—— Willing, do. de la Sophie	Cargaison et surestaries	91, 457	6	0	Ajourné.
45		—— Nash, do. de la Betsey	Farines livrées au Cap	9, 900	0	0	
46		John Peters, do. du Ruth	Solde des surestaries	2, 489	1	0	
47		William Thompson, do. de l'Aquila	Sucre saisé à Ostend	674, 278	11	2	
48		—— Kemps, do. du Governor Mifflin	Solde de fret	38, 902	10	0	
49		Richard Lann, do. de L'amie Suzanne	Surestaries	9, 600	0	0	
50		—— Dunham, do. de l'Abigail	Idem	3, 150	0	0	
51		Joseph Sands, do. de l'Hamilton	Idem	100, 000	0	0	
52		Le même	Rectification de la liquidation faite à son profit par la comptabilité interméd.	237, 600	0	0	Erreur reconnue par la trésorerie.
53		James Swan, pour Le Barring	Surestaries	45, 736	0	0	
54		Joseph J. Miller, de l'Illinois	Poudre, farine et salaisons livrés à St. Domingue et à la Guadeloupe.	1, 135, 504	1	8	
55		Henry Sadler		504, 897	13	4	
56		Ge. Wm. Murray		64, 084	0	0	
				5, 093, 679	10	2	

CRÉANCES À LIQUIDER DONT L'EXAMEN ET LE TRAVAIL N'ONT POINT ENCORE ÉTÉ FAITS.

57	.....	Richard Christine, capitaine de la Polly	.....	3,847 10 0
58	.....	James Craig, do. de la Prosperity	.....	24,794 10 6
59	.....	—— Dangerfield, do. du St. Tammani.	.....	36,977 15 6
60	.....	William Collet, do. de la Paix	.....	11,786 13 4
61	.....	Joseph Glenn, do. des Quatres Amis	.....	26,693 6 8
62	.....	John Mitchell, do. de la Molly	.....	60,391 1 0
63	.....	Simon Swail, do. du Chef Indien	.....	23,719 10 0
64	.....	Samuel Gerrish, do. de la Caroline	.....	8,759 18 1
65	.....	—— Goodrich, do. de Severn	.....	74,253 7 0
66	.....	J. Justice, do. du navire la Theodosia	.....	12,311 18 6
67	.....	—— Jennings, do. du John	.....	100,847 16 4
68	.....	—— Edgar, do. de la Sally	.....	28,537 5 0
69	.....	John Broock, do. du Robin	.....	25,504 17 9
70	.....	—— Maxwell, do. de la Junon	.....	13,084 3 4
71	.....	—— Beard, do. de l'Union	.....	152,047 13 3
72	.....	—— Monk, do. du Portsmouth	.....	225,262 16 0
73	.....	Joseph Pitcairn	.....	224,849 8 9
74	.....	E. Giles, capitaine du navire la Jerusha	.....	91,373 7 1
75	.....	—— Reide, do. du Little Cherubim	.....	72,627 10 2
76	.....	J. John, [Jongher,] do. du Swanwick	.....	70,348 15 0
77	.....	—— West, do. du Suffolk	3,866 veltes eau de vie	Non-appréciées
78	.....	—— Todd, do. du Mercure	.....	25,035 12 6
79	.....	—— Olney, do. du Friendship	.....	45,507 0 9
80	.....	—— Parker, do. de l'Iris	.....	15,742 10 9
81	.....	—— Carleton, do. de l'Eunice	.....	29,317 1 8
82	.....	—— McGruder, do. de l'Apollo	.....	44,542 6 8
83	.....	—— Monroe, négociant	.....	12,980 0 0
84	.....	John Clark, capitaine du navire le John Alexander.	.....	20,689 10 0
85	.....	—— Colley, do. de la Paix	.....	1,078 12 0
86	.....	J. B. Hodgson, do. du Woodrop Sims	.....	115,174 10 0
87	.....	Elias Simes, do. du George	.....	62,357 13 0
88	.....	Elie Cabot, négociant	.....	40,107 6 3
89	.....	Pre. Changeur, Deyme et Comp	.....	179,588 0 0
90	.....	William Rust, capitaine du navire la Marie.	.....	14,400 0 0
91	.....	John Burlingham, do. du Mary	.....	30,032 9 0
92	.....	—— Kinsman, do. du Roebuck	.....	18,655 0 0
93	.....	—— Ingraham, do. de l'Entreprise	.....	157,600 0 0
94	.....	William Cook, do. du Trenton	.....	1,352 9 6
95	.....	Murray et Lawrence, négociants	.....	2,200,000 0 0
96	.....	—— Woodberry, capitaine du navire le Neptune.	.....	105,707 13 0
97	.....	—— Cowell, do. de la Jeanne	.....	pour mémoire.
98	.....	—— Stevens, do. du Hope	.....	20,926 11 11
99	.....	Samuel Makins, do. de l'Andrews	.....	7,614 16 0
100	.....	—— White, do. du Laurens	.....	152,579 1 0
101	.....	Zacharie Coopman	.....	663,739 16 4

CRÉANCES À LIQUIDER DONT L'EXAMEN ET LE TRAVAIL N'ONT POINT ENCORE ÉTÉ FAITS.—Continued.

Numéros.	Dates des arrêtés de la commission portant liquidation.	Noms des propriétaires et des fondés de pouvoirs ou cessionaires.	Objets des réclamations.	Sommes liquidées ou à liquider.				Observations.
				Liv.	s.	d.		
102	.....	J. Loup, capitaine du Cassius	.....	106,323	0	0		
103	.....	Walter Kerr, do. du Kensington	.....	21,352	0	0		
104	.....	—— Ellison, do. du Good Friends	.....	182,157	8	0		
105	.....	—— Hayes fils, do. du Peters, de Boston.	Cargaison & surestaries	69,023	19	4		
106	.....	Stephen Higginson	Fourniture de farine au Cap	55,335	6	0		
107	.....	Bernard Dugan & Compagnie	Idem	90,344	18	0		Argent des Isles.
108	.....	—— Barney	Approvisionnement des magasins du Cap	695,550	10	0		Pour solde.
109	.....	Gillies, (Robert,) capitaine du navire The Fair American.	Fret et cargaisons	395,002	6	0		
110	.....	Girard, (Stephen)	Solde d'une lettre de change	16,537	10	0		
111	.....	Randall, (Paul Richard)	Idem	50,944	6	0		
112	.....	James Thayer	Traite sur le Sénégal	5,663	12	0		
113	.....	Fulwar Skipwith	Quatre traites tirées de St. Domingue	64,875	14	0		
114	.....	Le même	Pour 11 lettres de change tirées des colonies	25,562	12	0		
115	.....	Le même	Pour une traite tirée de St. Domingue	29,712	6	11		
116	.....	Le même	Pour trois traites sur la Guadeloupe	13,703	6	6		
117	.....	Le même	Pour 17 lettres de change sur St. Domingue	333,501	14	0		En partie relatives au navire Le Baring.
118	.....	—— Bentalou, par James Swan	Pour 13 traites tirées des colonies	23,433	6	8		
119	.....	Le même, idem	Pour 26 traites de l'Isle de France	424,000	0	0		Idem.
120	.....	—— Crousillat, capitaine du bateau La Nancy.	Pour cargaison	40,355	15	0		
121	.....	—— Dunlap et Thomas Irwin	Pour cargaison prise pour les besoins de Cayenne.	38,951	5	0		
122	.....	Stephen Higginson et William Parsons.	Fourniture de farine à St. Domingue	94,694	15	4		
				8,034,722	14	4		
		Pour 105 bâtiments à Bordeaux, par suite de l'embargo de 1793.	.....	3,301,122	8	8		

RÉCAPITULATION.

Créances reconnues par l'ex-commission de la comptabilité intermédiaire	3,459,778	13	6	Les jugements arbitraux sur lesquels la liquidation a été faite ont déjà alloué les intérêts de plusieurs de ces créances.
Créances dont les rapports ont été soumis au directeur particulier	5,093,679	10	2	
Créances à liquider	8,034,722	14	4	
Réclamations relatives à l'embargo de 1793	3,301,122	8	8	Susceptible d'une réduction considérable.
Total	19,889,303	6	8	

FRANCE, 1822.

CONVENTION OF NAVIGATION AND COMMERCE BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF FRANCE AND NAVARRE. CONCLUDED JUNE 24, 1822; RATIFICATIONS EXCHANGED FEBRUARY 12, 1823; PROCLAIMED FEBRUARY 12, 1823.

Preamble.

The United States of America and His Majesty the King of France and Navarre, being desirous of settling the relations of navigation and commerce between their respective nations, by a temporary convention reciprocally beneficial and satisfactory, and thereby of leading to a more permanent and comprehensive arrangement, have respectively furnished their full powers in manner following, that is to say:

John Quincy Adams and Baron de Neuville, negotiators.

The President of the United States to John Quincy Adams, their Secretary of State, and His Most Christian Majesty to the Baron Hyde de Neuville, Knight of the Royal and Military Order of St. Louis, Commander of the Legion of Honor, Grand Cross of the Royal American Order of Isabella the Catholic, his Envoy Extraordinary and Minister Plenipotentiary near the United States;

Exchange of full powers.

Who, after exchanging their full powers, have agreed on the following articles:

ARTICLE I.

Articles, &c., of the United States, imported in American vessels, to pay in France, &c.

Articles of the growth, produce, or manufacture, of the United States, imported into France in vessels of the United States, shall pay an additional duty, not exceeding twenty francs per ton of merchandize, over and above the duties paid on the like articles, also of the growth, produce, or manufacture, of the United States, when imported in French vessels.

ARTICLE II.

Articles, &c., of France, imported in French vessels, to pay in the United States, &c.

Articles of the growth, produce, or manufacture, of France, imported into the United States in French vessels, shall pay an additional duty, not exceeding three dollars and seventy-five cents per ton of merchandize, over and above the duties collected upon the like articles, also of the growth, produce, or manufacture of France, when imported in vessels of the United States.

ARTICLE III.

Goods for transit or re-exportation, not to pay a discriminating duty in either country.

No discriminating duty shall be levied upon the productions of the soil or industry of France, imported in French bottoms into the ports of the United States for transit or re-exportation; nor shall any such duties be levied upon the productions of the soil or industry of the United States, imported in vessels of the United States into the ports of France for transit or re-exportation.

ARTICLE IV.

Quantities composing the ton.

The following quantities shall be considered as forming the ton of merchandize for each of the articles hereinafter specified: Wines—four 61-gallon hogsheads, or 244 gallons of 231 cubic inches, American measure.

Brandies, and all other liquids, 244 gallons.

Silks and all other dry goods, and all other articles usually subject to measurement, forty-two cubic feet, French, in France, and fifty cubic feet American measure, in the United States.

Cotton, 804 lbs. avoirdupois, or 365 kilogrammes.

Tobacco, 1,600 lbs. avoirdupois, or 725 kilogrammes.

Ashes, pot and pearl, 2,240 lbs. avoirdupois, or 1,016 kilogs.

Rice, 1,600 lbs. avoirdupois, or 725 kilogrammes; and for all weighable articles, not specified, 2,240 lbs. avoirdupois, or 1,016 kilogrammes.

ARTICLE V.

Duties of tonnage, light-money, &c., not to exceed in France five francs per ton on American vessels, &c.

The duties of tonnage, light-money, pilotage, port charges, brokerage, and all other duties upon foreign shipping, over and above those paid by the national shipping in the two countries respectively, other than those specified in articles 1 and 2 of the present convention, shall not exceed in France, for vessels of the United States, five francs per ton of the vessel's American register; nor for vessels of France in the United States, ninety-four cents per ton of the vessel's French passport.

ARTICLE VI.

Consuls and vice-consuls of either nation, in the other, may cause the arrest of deserters, and detain them for three months.

The contracting parties, wishing to favor their mutual commerce, by affording in their ports every necessary assistance to their respective vessels, have agreed that the consuls and vice-consuls may cause to be arrested the sailors, being part of the crews of the vessels of their respective nations, who shall have deserted from the said vessels, in order to send them back and transport them out of the country. For which purpose the said consuls and vice-consuls shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel, or ship's roll, or other official documents, that those men were part of the said crews; and on this demand, so proved, (saving however where the contrary is proved,) the delivery shall not be refused; and there shall be given all aid and assistance to the said consuls and vice-consuls for the search, seizure, and arrest of the said deserters, who shall even be detained and kept in the prisons of the country, at their request and expense, until they shall have found an opportunity of sending them back. But if they be not sent back within three months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ARTICLE VII.

Convention to be in force two years from 1st October, 1822.

The present temporary convention shall be in force for two years from the first day of October next, and even after the expiration of that term, until the conclusion of a definitive treaty, or until one of the parties shall have declared its intention to renounce it; which declaration shall be made at least six months beforehand.

Extra duties at the end of two years to be diminished by one fourth, and so from year to year, &c.

And in case the present arrangement should remain without such declaration of its discontinuance by either party, the extra duties specified in the 1st and 2d articles, shall, from the expiration of the said two years, be, on both sides, diminished by one-fourth of their whole amount, and, afterwards,

by one-fourth of the said amount from year to year, so long as neither party shall have declared the intention of renouncing it as above stated.

ARTICLE VIII.

The present convention shall be ratified on both sides, and the ratifications shall be exchanged within one year from the date hereof, or sooner if possible. But the execution of the said convention shall commence in both countries on the first of October next, and shall be effective, even in case of non-ratification, for all such vessels as may have sailed bona fide for the ports of either nation, in the confidence of its being in force.

Convention to be ratified within one year.

In faith whereof, the respective Plenipotentiaries have signed the present convention, and have thereto affixed their seals, at the city of Washington, this 24th day of June, A. D. 1822.

JOHN QUINCY ADAMS. [L. S.]
G. HYDE DE NEUVILLE. [L. S.]

SEPARATE ARTICLE.

The extra duties levied on either side before the present day, by virtue of the act of Congress of 15th May, 1820, and of the ordinance of 26th July of the same year, and others confirmative thereof, and which have not already been paid back, shall be refunded.

Separate article.

Signed and sealed as above, this 24th day of June, 1822.

JOHN QUINCY ADAMS. [L. S.]
G. HYDE DE NEUVILLE. [L. S.]

FRANCE, 1831.

CONVENTION WITH FRANCE. CONCLUDED JULY 4, 1831; RATIFICATIONS EXCHANGED FEBRUARY 2, 1832; PROCLAIMED JULY 13, 1832.

The United States of America and His Majesty the King of the French, animated with an equal desire to adjust amicably, and in a manner conformable to equity, as well as to the relations of good intelligence and sincere friendship which unite the two countries, the reclamations formed by the respective Governments, have, for this purpose, named for their Plenipotentiaries, to wit:

1832, ch. 199.

The President of the United States, by and with the advice and consent of the Senate, William C. Rives, Envoy Extraordinary and Minister Plenipotentiary of the said United States, near His Majesty the King of the French, and His Majesty the King of the French, Count Horace Sebastiani, Lieutenant General of his Armies, his Minister Secretary of State for the Department of Foreign Affairs, &c., &c.;

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Indemnity to American citizens.

The French Government, in order to liberate itself completely from all the reclamations preferred against it by citizens of the United States, for unlawful seizures, captures, sequestrations, confiscations, or destructions of their vessels, cargoes or other property, engages to pay a sum of twenty-five millions of francs to the Government of the United States, who shall distribute it among those entitled, in the manner and according to the rules which it shall determine.

ARTICLE II.

Payments.

The sum of twenty-five millions of francs, above stipulated, shall be paid at Paris, in six annual instalments, of four millions one hundred and sixty-six thousand six hundred and sixty-six francs sixty-six centimes each, into the hands of such person or persons as shall be authorized by the Government of the United States to receive it.

The first instalment shall be paid at the expiration of one year next following the exchange of the ratifications of this convention, and the others at successive intervals of a year, one after another, till the whole shall be paid.

To the amount of each of the said instalments shall be added interest at four per cent. thereupon, as upon the other instalments then remaining unpaid; the said interest to be computed from the day of the exchange of the ratifications of the present convention.

ARTICLE III.

Indemnity to French Government.

The Government of the United States, on its part, for the purpose of being liberated completely from all the reclamations presented by France on behalf of its citizens, or of the Royal Treasury, (either for ancient supplies or accounts, the liquidation of which had been reserved, or for unlawful seizures, captures, detentions, arrests, or destructions of French vessels, cargoes, or other property,) engages to pay to the Government of His Majesty (which shall make distribution of the same in the manner and according to the rules to be determined by it) the sum of one million five hundred thousand francs.

ARTICLE IV.

Payments.

The sum of one million five hundred thousand francs, stipulated in the preceding article, shall be payable in six annual instalments, of two hundred and fifty thousand francs; and the payment of each of the said instalments shall be effected by a reservation of so much out of the annual sums which the French Government is bound, by the second article above, to pay to the Government of the United States.

To the amount of each of these instalments shall be added interest at four per cent. upon the instalment then paid, as well as upon those still due; which payments of interest shall be effected by means of a reservation, similar to that already indicated for the payment of the principal. The said interest shall be computed from the day of the exchange of the ratifications of the present convention.

ARTICLE V.

As to the reclamations of French citizens against the Government of the United States, and the reclamations of citizens of the United States against the French Government, which are of a different nature from those which it is the object of the present convention to adjust, it is understood that the citizens of the two nations may prosecute them in the respective countries before the competent judicial or administrative authorities, in complying with the laws and regulations of the country, the dispositions and benefit of which shall be applied to them, in like manner as to native citizens.

Other claims.

ARTICLE VI.

The French Government and the Government of the United States reciprocally engage to communicate to each other, by the intermediary of the respective legations, the documents, titles, or other informations proper to facilitate the examination and liquidation of the reclamations comprised in the stipulations of the present convention.

Reciprocal engagement to communicate documents, &c.

ARTICLE VII.

The wines of France, from and after the exchange of the ratifications of the present convention, shall be admitted to consumption in the States of the Union at duties which shall not exceed the following rates, by the gallon, (such as it is used at present for wines in the United States,) to wit: six cents for red wines in casks; ten cents for white wines in casks; and twenty-two cents for wines of all sorts in bottles. The proportion existing between the duties on French wines thus reduced, and the general rates of the tariff which went into operation the first of January, 1829, shall be maintained, in case the Government of the United States should think proper to diminish those general rates in a new tariff.

French wines.

In consideration of this stipulation, which shall be binding on the United States for ten years, the French Government abandons the reclamations which it had formed in relation to the 8th article of the treaty of cession of Louisiana. It engages, moreover, to establish on the long staple cottons of the United States, which, after the exchange of the ratifications of the present convention, shall be brought directly thence to France by the vessels of the United States, or by French vessels, the same duties as on short staple cottons.

Eighth article Louisiana cession treaty

ARTICLE VIII.

The present convention shall be ratified, and the ratifications shall be exchanged at Washington, in the space of eight months, or sooner if possible.

Exchange of ratifications.

In faith of which, the respective Plenipotentiaries have signed these articles, and thereto set their seals.

Done at Paris the fourth day of the month of July, one thousand eight hundred and thirty-one.

W. C. RIVES. [L. S.]
HORACE SEBASTIANI. [L. S.]

FRANCE, 1843.

CONVENTION FOR THE SURRENDER OF CRIMINALS BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF THE FRENCH. CONCLUDED NOVEMBER 9, 1843; RATIFICATIONS EXCHANGED APRIL 12, 1844; PROCLAIMED APRIL 13, 1844.

Preamble.

The United States of America and His Majesty the King of the French having judged it expedient, with a view to the better administration of justice, and to the prevention of crime within their respective territories and jurisdictions, that persons charged with the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, the said United States of America and His Majesty the King of the French have named as their Plenipotentiaries to conclude a convention for this purpose:

That is to say, the President of the United States of America, Abel P. Upshur, Secretary of State of the United States, and His Majesty the King of the French, the Sieur Pageot, officer of the Royal Order of the Legion of Honor, his Minister Plenipotentiary, ad interim, in the United States of America;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

Persons accused of crimes to be given up to justice, upon requisitions, &c.

It is agreed that the high contracting parties shall, on requisitions made in their name, through the medium of their respective diplomatic agents, deliver up to justice persons who, being accused of the crimes enumerated in the next following article, committed within the jurisdiction of the requiring party, shall seek an asylum, or shall be found within the territories of the other:

Proviso.

Provided, That this shall be done only when the fact of the commission of the crime shall be so established as that the laws of the country in which the fugitive or the person so accused shall be found would justify his or her apprehension and commitment for trial, if the crime had been there committed.

ARTICLE II.

Persons to be delivered up must be charged with certain specified crimes.

Persons shall be so delivered up who shall be charged, according to the provisions of this convention, with any of the following crimes, to wit: Murder, (comprehending the crimes designated in the French penal code by the terms, assassination, parricide, infanticide, and poisoning,) or with an attempt to commit murder, or with rape, or with forgery, or with arson, or with embezzlement by public officers, when the same is punishable with infamous punishment.

ARTICLE III.

Surrender, by whom to be made.

On the part of the French Government, the surrender shall be made only by authority of the Keeper of the Seals, Minister of Justice; and on the part of the Government of the United States, the surrender shall be made only by authority of the Executive thereof.

ARTICLE IV.

The expenses of any detention and delivery effected in virtue of the

preceding provisions shall be borne and defrayed by the Government in whose name the requisition shall have been made.

Expenses to be borne by the party making requisition.

ARTICLE V.

The provisions of the present convention shall not be applied in any manner to the crimes enumerated in the second article, committed anterior to the date thereof, nor to any crime or offence of a purely political character.

Not to apply to crimes heretofore committed, or political offences.

ARTICLE VI.

This convention shall continue in force until it shall be abrogated by the contracting parties, or one of them; but it shall not be abrogated, except by mutual consent, unless the party desiring to abrogate it shall give six months' previous notice of his intention to do so. It shall be ratified, and the ratifications shall be exchanged within the space of six months, or earlier if possible.

To continue till abrogated.

Ratifications to be exchanged within six months.

In witness whereof, the respective Plenipotentiaries have signed the present convention in duplicate, and have affixed thereto the seal of their arms.

Done at Washington the ninth day of November, anno Domini one thousand eight hundred and forty-three.

A. P. UPSHUR. [L. S.]
A. PAGEOT. [L. S.]

FRANCE, 1845.

ADDITIONAL ARTICLE TO THE TREATY WITH FRANCE, OF NOVEMBER 9, 1843. CONCLUDED FEBRUARY 24, 1845; RATIFICATIONS EXCHANGED JUNE 21, 1845; PROCLAIMED JULY 24, 1845.

The crime of robbery, defining the same to be the felonious and forcible taking from the person of another, of goods or money to any value, by violence, or putting him in fear; and the crime of burglary, defining the same to be, breaking and entering by night into a mansion-house of another, with intent to commit felony; and the corresponding crimes included under the French law in the words *vol qualifié crime*, not being embraced in the second article of the convention of extradition concluded between the United States of America and France, on the ninth of November, 1843, it is agreed by the present article, between the high contracting parties, that persons charged with those crimes shall be respectively delivered up, in conformity with the first article of the said convention; and the present article, when ratified by the parties, shall constitute a part of the said convention, and shall have the same force as if it had been originally inserted in the same.

The crimes of robbery and burglary defined, and included in the provisions of this treaty.

In witness whereof, the respective Plenipotentiaries have signed the present article, in duplicate, and have affixed thereto the seal of their arms.

Done at Washington this twenty-fourth of February, 1845.

J. C. CALHOUN. [L. S.]
A. PAGEOT. [L. S.]

FRANCE, 1853.

CONSULAR CONVENTION WITH FRANCE. CONCLUDED FEBRUARY 23, 1853; RATIFICATIONS EXCHANGED AUGUST 11, 1853; PROCLAIMED AUGUST 12, 1853.

Consular convention between the United States of America and his Majesty the Emperor of the French.

Preamble.

The President of the United States of America, and his Majesty the Emperor of the French, being equally desirous to strengthen the bonds of friendship between the two nations, and to give a new and more ample development to their commercial intercourse, deem it expedient, for the accomplishment of that purpose, to conclude a special convention which shall determine, in a precise and reciprocal manner, the rights, privileges, and duties of the consuls of the two countries. Accordingly they have named:

Negotiators.

The President of the United States, the Honorable Edward Everett, Secretary of State of the United States; His Majesty the Emperor of the French, the Count de Sartiges, Commander of the Imperial Order of the Legion of Honor, &c., &c., his Envoy Extraordinary and Minister Plenipotentiary at Washington;

Who, after communicating to each other their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Exequaturs.

The Consuls General, Consuls, and Vice-Consuls, or consular agents of the United States and France shall be reciprocally received and recognized, on the presentation of their commissions, in the form established in their respective countries. The necessary exequatur for the exercise of their functions shall be furnished to them without charge; and on the exhibition of this exequatur, they shall be admitted at once, and without difficulty, by the territorial authorities, federal or State, judicial or executive, of the ports, cities, and places of their residence and district, to the enjoyment of the prerogatives reciprocally granted. The Government that furnishes the exequatur reserves the right to withdraw it on a statement of the reasons for which it has thought proper to do so.

ARTICLE II.

Immunities and privileges of consuls, &c.

The Consuls General, Consuls, Vice-Consuls, or consular agents of the United States and France, shall enjoy in the two countries the privileges usually accorded to their offices, such as personal immunity, except in the case of crime, exemption from military billetings, from service in the militia or the national guard, and other duties of the same nature; and from all direct and personal taxation, whether federal, State, or municipal. If, however, the said Consuls General, Consuls, Vice-Consuls, or consular agents, are citizens of the country in which they reside; if they are, or become, owners of property there, or engage in commerce, they shall be subject to the same taxes and imposts, and with the reservation of the treatment granted to commercial agents, to the same jurisdiction, as other citizens of the country who are owners of property, or merchants.

They may place on the outer door of their offices, or of their dwell-

ing-houses, the arms of their nation, with an inscription in these words: "Consul of the United States," or "Consul of France;" and they shall be allowed to hoist the flag of their country thereon.

They shall never be compelled to appear as witnesses before the courts. When any declaration for judicial purposes, or deposition, is to be received from them in the administration of justice, they shall be invited, in writing, to appear in court, and if unable to do so, their testimony shall be requested in writing, or be taken orally at their dwellings.

How their evidence is to be taken.

Consular pupils shall enjoy the same personal privileges and immunities as Consuls General, Consuls, Vice-Consuls, or consular agents.

Consular pupils.

In case of death, indisposition, or absence of the latter, the chancellors, secretaries, and consular pupils attached to their offices, shall be entitled to discharge ad interim the duties of their respective posts; and shall enjoy whilst thus acting the prerogatives granted to the incumbents.

Provision in case of death of consular agents.

ARTICLE III.

The consular offices and dwellings shall be inviolable. The local authorities shall not invade them under any pretext. In no case shall they examine or seize the papers there deposited. In no case shall those offices or dwellings be used as places of asylum.

Immunities of their offices, dwellings, and papers.

ARTICLE IV.

The Consuls General, Consuls, Vice-Consuls, or consular agents, of both countries, shall have the right to complain to the authorities of the respective Governments, whether federal or local, judicial or executive, throughout the extent of their consular district, of any infraction of the treaties or conventions existing between the United States and France, or for the purpose of protecting informally the rights and interests of their countrymen, especially in cases of absence. Should there be no diplomatic agent of their nation, they shall be authorized, in case of need, to have recourse to the General or Federal Government of the country in which they exercise their functions.

Complaints of infractions of treaties.

ARTICLE V.

The respective Consuls General, and Consuls, shall be free to establish, in such parts of their districts as they may see fit, Vice-Consuls, or consular agents, who may be taken indiscriminately from among Americans of the United States, Frenchmen, or citizens of other countries. These agents, whose nomination, it is understood, shall be submitted to the approval of the respective Governments, shall be provided with a certificate given to them by the Consul by whom they are named, and under whose orders they are to act.

Vice-consuls and agents.

ARTICLE VI.

The Consuls General, Consuls, Vice-Consuls, or consular agents, shall have the right of taking at their offices or bureaux, at the domicil of the parties concerned, or on board ship, the declarations of captains, crews, passengers, merchants, or citizens of their country, and of executing there all requisite papers.

To receive protests.

The respective Consuls General, Consuls, Vice-Consuls, or consular agents, shall have the right, also, to receive at their offices, or bureaux, conformably to the laws and regulations of their country, all acts of agreement executed between the citizens of their own country and citizens or inhabitants of the country in which they reside, and even all such acts between the latter, provided that these acts relate to property situated, or to business to be transacted, in the territory of the nation to which the Consul or the agent before whom they are executed may belong.

Copies authenticated by them to be received as evidence.

Copies of such papers, duly authenticated by the Consuls General, Consuls, Vice-Consuls, or consular agents, and sealed with the official seal of their consulate or consular agency, shall be admitted in courts of justice throughout the United States and France, in like manner as the originals.

ARTICLE VII.

Right to hold property.

In all the States of the Union, whose existing laws permit it, so long and to the same extent as the said laws shall remain in force, Frenchmen shall enjoy the right of possessing personal and real property by the same title and in the same manner as the citizens of the United States. They shall be free to dispose of it as they may please, either gratuitously or for value received, by donation, testament, or otherwise, just as those citizens themselves; and in no case shall they be subjected to taxes on transfer, inheritance, or any others different from those paid by the latter, or to taxes which shall not be equally imposed.

As to the States of the Union, by whose existing laws aliens are not permitted to hold real estate, the President engages to recommend to them the passage of such laws as may be necessary for the purpose of conferring this right.

In like manner, but with the reservation of the ulterior right of establishing reciprocity in regard to possession and inheritance, the Government of France accords to the citizens of the United States the same rights within its territory in respect to real and personal property, and to inheritance, as are enjoyed there by its own citizens.

ARTICLE VIII.

Consuls to have cognizance of differences between captains, officers, and crews, of their own nation.

The respective Consuls General, Consuls, Vice-Consuls, or consular agents, shall have exclusive charge of the internal order of the merchant-vessels of their nation, and shall alone take cognizance of differences which may arise, either at sea or in port, between the captain, officers, and crew, without exception, particularly in reference to the adjustment of wages and the execution of contracts. The local authorities shall not, on any pretext, interfere in these differences, but shall lend forcible aid to the Consuls, when they may ask it, to arrest and imprison all persons composing the crew whom they may deem it necessary to confine. Those persons shall be arrested at the sole request of the Consuls, addressed in writing to the local authority, and supported by an official extract from the register of the ship or the list of the crew, and shall be held, during the whole time of their stay in the port, at the disposal of the Consuls. Their release shall be granted at the mere request of the Consuls made in writing. The expenses of the arrest and detention of those persons shall be paid by the Consuls.

ARTICLE IX.

The respective Consuls General, Consuls, Vice-Consuls, or consular agents, may arrest the officers, sailors, and all other persons making part of the crews of ships of war, or merchant vessels of their nation, who may be guilty or be accused of having deserted said ships and vessels, for the purpose of sending them on board, or back to their country. To that end the Consuls of France in the United States shall apply to the magistrates designated in the act of Congress of May 4, 1826—that is to say, indiscriminately to any of the Federal, State, or municipal authorities; and the Consuls of the United States in France shall apply to any of the competent authorities and make a request in writing for the deserters, supporting it by an exhibition of the registers of the vessel and list of the crew, or by other official documents, to show that the men whom they claim belonged to said crew. Upon such request alone, thus supported, and without the exaction of any oath from the Consuls, the deserters, not being citizens of the country where the demand is made, either at the time of their shipping or of their arrival in the port, shall be given up to them. All aid and protection shall be furnished them for the pursuit, seizure, and arrest of the deserters, who shall even be put and kept in the prisons of the country at the request and at the expense of the Consuls until these agents may find an opportunity of sending them away. If, however, such opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause.

Case of deserters from vessels.

ARTICLE X.

The respective Consuls General, Consuls, Vice-Consuls, or consular agents, shall receive the declarations, protests, and reports of all captains of vessels of their nation in reference to injuries experienced at sea; they shall examine and take note of the stowage; and when there are no stipulations to the contrary between the owners, freighters, or insurers, they shall be charged with the repairs. If any inhabitants of the country in which the Consuls reside, or citizens of a third nation, are interested in the matter, and the parties cannot agree, the competent local authority shall decide.

Protests, &c.

ARTICLE XI.

All proceedings relative to the salvage of American vessels wrecked upon the coasts of France, and of French vessels wrecked upon the coasts of the United States, shall be respectively directed by the Consuls General, Consuls, and Vice-Consuls of the United States in France, and by the Consuls General, Consuls, and Vice-Consuls of France in the United States, and until their arrival by the respective consular agents, wherever an agency exists. In the places and ports where an agency does not exist, the local authorities, until the arrival of the Consul in whose district the wreck may have occurred, and who shall be immediately informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of property.

Salvage.

The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if they do not belong to the crews that have been wrecked, and to carry into

effect the arrangements made for the entry and exportation of the merchandise saved.

It is understood that such merchandise shall not be subjected to any custom-house duty if it is to be re-exported; and if it be entered for consumption, a diminution of such duty shall be allowed in conformity with the regulations of the respective countries.

ARTICLE XII.

Consuls, immunities.

The respective Consuls General, Consuls, Vice-Consuls, or consular agents, as well as their consular pupils, chancellors, and secretaries, shall enjoy in the two countries all the other privileges, exemptions, and immunities which may at any future time be granted to the agents of the same rank of the most favored nation.

ARTICLE XIII.

Duration of this convention.

The present convention shall remain in force for the space of ten years from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries, and exchanged at Washington within the period of six months, or sooner if possible. In case neither party gives notice twelve months before the expiration of the said period of ten years of its intention not to renew this convention, it shall remain in force a year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall give such notice.

In testimony whereof the respective Plenipotentiaries have signed this convention, and hereunto affixed their respective seals.

Done at the city of Washington the twenty-third day of February, anno Domini one thousand eight hundred and fifty-three.

EDWARD EVERETT. [L. S.]
SARTIGES. [L. S.]

FRANCE, 1858.

CONVENTION BETWEEN THE UNITED STATES AND FRANCE, AGREEING TO AN ADDITIONAL ARTICLE TO THE EXTRADITION CONVENTION BETWEEN THE TWO COUNTRIES. SIGNED AT WASHINGTON FEBRUARY 10, 1858; RATIFICATIONS EXCHANGED AT WASHINGTON FEBRUARY 12, 1859; PROCLAIMED FEBRUARY 14, 1859.

Additional article to the extradition convention between the United States and France, of the 9th of November, 1843, *and to the additional article of the 24th of February,* 1845.

Persons to be surrendered.

It is agreed between the high contracting parties that the provisions of the treaties for the mutual extradition of criminals between the United States of America and France, of November 9th, 1843, and February 24th, 1845, and now in force between the two Governments, shall extend not only to persons charged with the crimes therein mentioned, but also to persons charged with the following crimes, whether as principals, accessories, or accomplices, namely: Forging or knowingly passing or putting in circulation counterfeit coin or bank

notes or other paper current as money, with intent to defraud any person or persons; embezzlement by any person or persons hired or salaried to the detriment of their employers, when these crimes are subject to infamous punishment.

In witness whereof the respective Plenipotentiaries have signed the present article in triplicate, and have affixed thereto the seal of their arms. Date.

Done at Washington the tenth of February, 1858.

LEW. CASS. [SEAL.]
SARTIGES. [SEAL.]

FRANCE, 1869.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND FRANCE, CONCERNING TRADE-MARKS. CONCLUDED APRIL 16, 1869; RATIFICATIONS EXCHANGED JULY 3, 1869; PROCLAIMED JULY 6, 1869.

The United States of America and His Majesty the Emperor of the French, desiring to secure in their respective territories a guarantee of property in trade-marks, have resolved to conclude a special convention for this purpose, and have named as their Plenipotentiaries: The President of the United States, Hamilton Fish, Secretary of State, and His Majesty the Emperor of the French, J. Berthemy, Commander of the Imperial Order of the Legion of Honor, &c., &c., &c., accredited as his Envoy Extraordinary and Minister Plenipotentiary to the United States; and the said Plenipotentiaries, after an examination of their respective full powers, which were found to be in good and due form, have agreed to and signed the following articles:

ARTICLE I.

Every reproduction in one of the two countries of trade-marks affixed in the other to certain merchandise to prove its origin and quality is forbidden, and shall give ground for an action for damages in favor of the injured party, to be prosecuted in the courts of the country in which the counterfeit shall be proven, just as if the plaintiff were a subject or citizen of that country.

The exclusive right to use a trade-mark for the benefit of citizens of the United States in France, or of French subjects in the territory of the United States, cannot exist for a longer period than that fixed by the law of the country for its own citizens.

If the trade-mark has become public property in the country of its origin, it shall be equally free to all in the other country.

ARTICLE II.

If the owners of trade-marks, residing in either of the two countries, wish to secure their rights in the other country, they must deposit duplicate copies of those marks in the Patent-Office at Washington, and in the clerk's office of the tribunal of commerce of the Seine, at Paris.

ARTICLE III.

The present arrangement shall take effect ninety days after the exchange of ratifications by the two Governments, and shall continue in force for ten years from this date.

In case neither of the two high contracting parties gives notice of its intention to discontinue this convention, twelve months before its expiration, it shall remain in force one year from the time that either of the high contracting parties announces its discontinuance.

ARTICLE IV.

The ratifications of this present arrangement shall be exchanged at Washington, within ten months, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the present convention in duplicate, and affixed thereto the seal of their arms.

Done at Washington the sixteenth day of April, in the year of our Lord one thousand eight hundred and sixty-nine.

HAMILTON FISH. [SEAL.]
BERTHEMY. [SEAL.]

The following decisions have been made in courts of the United States upon provisions of our treaties with France:

The treaty of amity and commerce of 1778 with France, Article 11, enabling French subjects to purchase and hold lands in the United States, being abrogated in 1798; the act of Maryland of 1780, permitting the lands of a French subject who had become a citizen of that State, dying intestate, to descend on the next of kin, being a non-naturalized Frenchman, with a proviso vesting the lands in the State if the French heirs should not within ten years become resident citizens of the State, or convey the lands to a citizen; and the convention of 1800, between France and the United States, enabling the people of one country, holding lands in the other, to dispose of the same by testament, and to inherit lands in the other, without being naturalized: *Held*, that the latter treaty dispensed with the performance of the condition in the act of Maryland, and that the constitutional rule applied equally to the case of those who took by descent under the act, as to those who acquired by purchase without its aid. (*Chirac* vs. *Chirac*, 2 Wheat., 259; 4 Cond. Rep., 111.)

The further stipulation in the treaty, "that in case the laws of either of the two States should restrain strangers from the exercise of the rights of property with respect to real estate, such real estate may be sold, or otherwise disposed of, to citizens or inhabitants of the country where it may be," does not affect the rights of a French subject who takes or holds by the convention, so as to deprive him of the power of selling to citizens of the country; and gives to a French subject who has acquired lands by descent or devise, (and, perhaps, in any other manner,) the right during life to sell or otherwise dispose of the same, if lying in a State where lands purchased by an alien, generally, would be immediately escheatable. (*Ibid.*)

Although the convention of 1800 has expired, yet the instant a descent was cast on a French subject during its continuance, his rights became complete under it, and cannot be affected by its subsequent expiration. (*Ibid.*)

America was bound as an ally of France by the capitulation between France and Great Britain for the surrender of Dominica. (*Miller* vs. *The Ship Resolution*, 2 Dall. Rep., 15.)

The Phœbe Ann, a British vessel, had been captured by a French privateer, and sent into Charleston. Restitution of the prize was claimed by the British consul, who filed a libel in the district court, suggesting that the privateer had been illegally fitted out, and had illegally augmented her force within the United States. It appeared in proof that the privateer had originally entered the port of Charleston, armed and commissioned for war; and that she had taken out her guns, masts, and sails, which remained on shore until the general repairs of the vessel were completed. when they were again put on board, with the same force or thereabouts; and on a subsequent cruise the prize was taken.

ELLSWORTH, Chief Justice. Suggestions of policy and convenience cannot be considered in the judicial determination of a question of right; the treaty with France, whatever that is, must have its effect. By the nineteenth article it is declared that French vessels, whether public and of war, or private and of merchants, may, on any urgent necessity, enter our ports, and be supplied with all things needful for repairs. In the present case the privateer only underwent a repair; and the mere replacement of her force cannot be a material augmentation; even if an augmentation of force could be proven, which we do not decide à sufficient cause of restitution. (*Moodie* vs. *The Sloop Phœbe Ann*, 3 Dall. Rep., 319.)

By the treaty with France of 1778, Articles 17 and 22, the subjects of France had a right to equip and arm their vessels in the ports of the United States, to bring in their prizes and depart with them, without interference by the courts of the United States. (*Bee's Admiralty Reports*, 40, 43.)

Under the treaty of 1778, neutral property captured on board an enemy's ship was lawful prize, contrary to the general law of nations. (*Bee's Admiralty Reports*., 74.)

The treaty for the cession of Louisiana took effect from its date. (*United States* vs. *Reynes*, 9 Howard, 127; *Davis* vs. *Parish of Concordia*, *Ibid*., 280; *United States* vs. *Pillerin*, 13 Howard, 9.)

The stipulation for the protection of its inhabitants, in the enjoyment of their property, did not embrace grants by the Spanish authorities, after they had ceased to have power to make such grants. (*Ibid.*)

The stipulation in the treaty for the protection of the inhabitants in their property, &c., ceased to operate when the State of Louisiana was admitted into the Union. (*New Orleans* vs. *De Armas*, 9 Peters, 223.)

The treaty for the cession of Louisiana protected claimants under the French or Spanish Governments to inchoate titles to lands. (*Delassars* vs. *United States*, 9 Peters, 117; *Choteau's heirs* vs. *United States*, *Ibid*., 137; *Strother* vs. *Lucas*, 12 Peters, 410.)

By the cession of Lousiana, the Government of the United States succeeded to all the rights and interests formerly possessed by those of France and Spain in that province, including reservations of the right to use land when wanted for fortifications. (*Josephs* vs. *United States*, 1 Nott & Huntingdon, 197; same case, 2 Nott & Huntingdon, 586.)

The treaty of 1853, securing to citizens of France the same rights of succession as are possessed by the citizens of the United States, so far as permitted by the State laws, had no effect on the succession of one who died in 1848. (*Prevost* vs. *Greneaux*, 19 Howard, 1.)

Quere? Whether the General Government can by treaty control the succession of real or personal property in a State. (*Ibid.*)

The treaty ceding Louisiana to the United States could not enlarge the constitutional powers of the latter nor vest in the Government the police powers over public places formerly exercised by the Crown. (*New Orleans* vs. *United States*, 10 Peters, 662.)

GERMAN EMPIRE.

GERMAN EMPIRE, 1871.

CONVENTION BETWEEN THE UNITED STATES AND THE GERMAN EMPIRE, RESPECTING CONSULS AND TRADE-MARKS. SIGNED DECEMBER 11, 1871; RATIFICATIONS EXCHANGED APRIL 29, 1872; PROCLAIMED JUNE 1, 1872.

Contracting parties.

The President of the United States of America and His Majesty the Emperor of Germany, King of Prussia, in the name of the German Empire, led by the wish to define the rights, privileges, immunities, and duties of the respective Consular Agents, have agreed upon the conclusion of a Consular Convention, and for that purpose have appointed their Plenipotentiaries, namely:

The President of the United States of America, George Bancroft, Envoy Extraordinary and Minister Plenipotentiary from the said States, near His Majesty the Emperor of Germany; His Majesty the Emperor of Germany, King of Prussia, Bernard König, His Privy Councillor of Legation; who have agreed to and signed the following articles:

ARTICLE I.

Consuls, &c., to be received.

Each of the Contracting Parties agrees to receive from the other Consuls General, Consuls, Vice-Consuls, and Consular Agents in all its ports, cities, and places, except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the Contracting Parties without also applying to every other Power.

ARTICLE II.

Form of reception.

Exequatur.

May be withdrawn.

The Consuls General, Consuls, Vice-Consuls, or Consular Agents shall be reciprocally received and recognized, on the presentation of their commissions, in the forms established in their respective countries. The necessary exequatur for the exercise of their functions shall be furnished to them free of charge, and, on the exhibition of this instrument, they shall be admitted at once, and without difficulty, by the territorial authorities, Federal, State, or communal, judicial, or executive, of the ports, cities, and places of their residence and district, to the enjoyment of the prerogatives reciprocally granted. The Government that furnishes the exequatur reserves the right to withdraw the same on a statement of the reasons for which it has thought proper to do so.

ARTICLE III.

Consuls, &c., to enjoy all rights, privileges, &c.

The respective Consuls General, Consuls, Vice-Consuls, or Consular Agents, as well as their chancellors and secretaries, shall enjoy in the two countries all privileges, exemptions, and immunities which have been granted, or may in future be

granted, to the agents of the same rank of the most favored nation. Consular officers, not being citizens of the country where they are accredited, shall enjoy, in the country of their residence, personal immunity from arrest or imprisonment except in the case of crimes, exemption from military billetings and contributions, from military service of every sort and other public duties, and from all direct or personal or sumptuary taxes, duties, and contributions, whether Federal, State, or municipal. If, however, the said consular officers are or become owners of property in the country in which they reside, or engage in commerce, they shall be subject to the same taxes and imposts, and to the same jurisdiction, as citizens of the country, property-holders, or merchants. But under no circumstances shall their official income be subject to any tax. Consular officers who engage in commerce shall not plead their consular privileges to avoid their commercial liabilities. Consular officers of either character shall not in any event be interfered with in the exercise of their official functions, further than is indispensable for the administration of the laws of the country.

If not citizens, to be free from arrest, taxes, &c., except, &c.

Engaging in commerce, not to avoid commercial liabilities.

ARTICLE IV.

Consuls General, Consuls, Vice-Consuls, and Consular Agents may place over the outer door of their offices, or of their dwellings, the arms of their nation, with the proper inscription indicative of the office. And they may also hoist the flag of their country on the consular edifice, except in places were a legation of their country is established.

They may also hoist their flag on board any vessel employed by them in port for the discharge of their duty.

May place the arms of their nation over door, &c., and hoist flag.

ARTICLE V.

The consular archives shall be at all times inviolable, and under no pretence whatever shall the local authorities be allowed to examine or seize the papers forming part of them. When, however, a consular officer is engaged in other business, the papers relating to the consulate shall be kept in a separate enclosure.

Consular archives inviolable.

The offices and dwellings of Consules missi who are not citizens of the country of their residence shall be at all times inviolable. The local authorities shall not, except in the case of the pursuit for crimes, under any pretext invade them. In no case shall they examine or seize the papers there deposited. In no event shall those offices or dwellings be used as places of asylum.

Offices and dwellings of Consules missi inviolable; but not to be used as places of asylum.

ARTICLE VI.

In the event of the death, prevention, or absence of Consuls General, Consuls, Vice-Consuls, and Consular Agents, their chancellors or secretaries, whose official character may have previously been made known to the respective authorities in Germany or in the United States, may temporarily exercise their functions, and, while thus acting, they shall enjoy all the rights, prerogatives, and immunities granted by this convention to the incumbents.

If Consul, &c., die, who to exercise functions of the office.

ARTICLE VII.

Vice-Consuls and Consular Agents.

Consuls General and Consuls may, with the approbation of their respective Governments, appoint Vice-Consuls and Consular Agents in the cities, ports, and places within their consular jurisdiction. These officers may be citizens of Germany, of the United States, or any other country. They shall be furnished with a commission by the Consul who appoints them and under whose orders they are to act, or by the Government of the country which he represents. They shall enjoy the privileges stipulated for consular officers in this convention, subject to the exceptions specified in Article III.

ARTICLE VIII.

Consuls, &c., may apply to local authorities for redress and information.

Consuls General, Consuls, Vice-Consuls, and Consular Agents shall have the right to apply to the authorities of the respective countries, whether Federal or local, judicial or executive, within the extent of their consular district, for the redress of any infraction of the treaties and conventions existing between the two countries, or of international law; to ask information of said authorities, and to address said authorities to the end of protecting the rights and interests of their countrymen, especially in cases of the absence of the latter; in which cases such Consuls, etc., shall be presumed to be their legal representatives. If due notice should not be taken of such application, the consular officers aforesaid, in the absence of a diplomatic agent of their country, may apply directly to the Government of the country where they reside.

If notice is not taken, may apply to Government.

ARTICLE IX.

Consuls, &c., may take depositions.

Consuls General, Consuls, Vice-Consuls, or Consular Agents of the two countries, or their chancellors, shall have the right, conformably to the laws and regulations of their country—

1. To take at their office or dwelling, at the residence of the parties, or on board of vessels of their own nation, the depositions of the captains and crews, of passengers on board of them, of merchants, or of any other citizens of their own country.

2. To receive and verify unilateral acts, wills, and bequests of their countrymen, and any and all acts of agreement entered upon between citizens of their own country, and between such citizens and the citizens or other inhabitants of the country where they reside; and also all contracts between the latter, provided they relate to property situated or to business to be transacted in the territory of the nation by which the said consular officers are appointed.

May verify wills, &c., of their countrymen.

All such acts of agreement and other instruments, and also copies and translations thereof, when duly authenticated by such Consul General, Consul, Vice-Consul, or Consular Agent, under his official seal, shall be received by public officials, and in courts of justice as legal documents, or as authenticated copies, as the case may be, and shall have the same force and effect as if drawn up or authenticated by competent public officers of one or the other of the two countries.

Such papers under official seal to be received, &c

ARTICLE X.

In case of the death of any citizen of Germany in the United States,

or of any citizen of the United States, in the German Empire, without having in the country of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the nation to which the deceased belongs of the circumstance, in order that the necessary information may be immediately forwarded to parties interested.

If a citizen of either country dies in the other without, &c., nearest Consul to be notified.

The said consular officer shall have the right to appear personally or by delegate in all proceedings on behalf of the absent heirs or creditors, until they are duly represented.

In all successions to inheritances, citizens of each of the contracting parties shall pay in the country of the other such duties only as they would be liable to pay, if they were citizens of the country in which the property is situated or the judicial administration of the same may be exercised.

Succession duties.

ARTICLE XI.

Consuls General, Consuls, Vice-Consuls, and Consular Agents of the two countries are exclusively charged with the inventorying and the safe-keeping of goods and effects of every kind left by sailors or passengers on ships of their nation who die, either on board ship or on land, during the voyage or in the port of destination.

Consuls to take charge of effects left by deceased sailors or passengers.

ARTICLE XII.

Consuls General, Consuls, Vice-Consuls, and Consular Agents shall be at liberty to go either in person or by proxy on board vessels of their nation admitted to entry and to examine the officers and crews, to examine the ships' papers, to receive declarations concerning their voyage, their destination, and the incidents of the voyage; also to draw up manifests and lists of freight, to facilitate the entry and clearance of their vessels, and finally to accompany the said officers or crews before the judicial or administrative authorities of the country, to assist them as their interpreters or agents.

Rights in respect to vessels of their nation admitted to entry.

The judicial authorities and custom-house officials shall in no case proceed to the examination or search of merchant-vessels without having given previous notice to the consular officers of the nation to which the said vessels belong, in order to enable the said consular officers to be present.

Merchant vessels, not to be searched, &c., without previous notice.

They shall also give due notice to the said consular officers, in order to enable them to be present at any depositions or statements to be made in courts of law or before local magistrates, by officers or persons belonging to the crew, thus to prevent errors or false interpretations which might impede the correct administration of justice. The notice to Consuls, Vice-Consuls, or Consular Agents shall name the hour fixed for such proceedings. Upon the non-appearance of the said officers or their representatives, the case may be proceeded with in their absence.

Notice to name the hour.

ARTICLE XIII.

Consuls General, Consuls, Vice-Consuls, or Consular Agents shall have exclusive charge of the internal order of the merchant-vessels of their nation, and shall have the exclusive power to take cognizance of and to determine differences of every kind which may arise, either at sea or in port, between the

Consuls, &c., to have exclusive charge of the international order of merchant vessels, &c.

captains, officers, and crews, and specially in reference to wages and the execution of mutual contracts. Neither any court or authority shall, on any pretext, interfere in these differences, except in cases where the differences on board ship are of a nature to disturb the peace and public order in port, or on shore, or when persons other than the officers and crew of the vessel are parties to the disturbance.

Local authorities to interfere only in cases of, &c.

Except as aforesaid, the local authorities shall confine themselves to the rendering of efficient aid to the Consuls, when they may ask it, in order to arrest and hold all persons, whose names are borne on the ship's articles, and whom they may deem it necessary to detain. Those persons shall be arrested at the sole request of the Consuls, addressed in writing to the local authorities and supported by an official extract from the register of the ship or the list of the crew, and shall be held during the whole time of their stay in the port at the disposal of the Consuls. Their release shall be granted only at the request of the Consuls, made in writing.

To aid consular officers.

The expenses of the arrest and detention of those persons shall be paid by the Consuls.

Expenses of arrest.

ARTICLE XIV.

Consuls General, Consuls, Vice-Consuls, or Consular Agents may arrest the officers, sailors, and all other persons making part of the crews of ships of war or merchant-vessels of their nation, who may be guilty or be accused of having deserted said ships and vessels, for the purpose of sending them on board or back to their country.

Consuls, &c., may arrest deserters from vessels.

To that end, the Consuls of Germany in the United States shall apply to either the Federal, State, or municipal courts or authorities, and the Consuls of the United States in Germany shall apply to any of the competent authorities, and make a request in writing for the deserters, supporting it by an official extract of the register of the vessel and the list of the crew, or by other official documents, to show that the men whom thay claim belong to said crew. Upon such request alone thus supported, and without the exaction of any oath from the Consuls, the deserters (not being citizens of the country where the demand is made either at the time of their shipping or of their arrival in the port) shall be given up to the Consuls. All aid and protection shall be furnished them for the pursuit, seizure, and arrest of the deserters, who shall be taken to the prisons of the country and there detained at the request and at the expense of the Consuls, until the said Consuls may find an opportunity of sending them away.

Mode of procedure in such cases.

Deserters to be imprisoned until, &c.

If, however, such opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause.

ARTICLE XV.

In the absence of an agreement to the contrary between the owners, freighters, and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter port voluntarily or are forced by stress of weather, shall be settled by the Consuls General, Consuls, Vice-Consuls, and Consular Agents of the respective countries. If, however, any inhabitant of the country, or citizen or subject of a third Power, shall be interested in the matter,

Damages suffered at sea by vessels, &c.

and the parties cannot agree, the competent local authorities shall decide.

ARTICLE XVI.

In the event of a vessel belonging to the Government or owned by a citizen of one of the two contracting parties being wrecked, or cast on shore, on the coast of the other, the local authorities shall inform the Consul General, Consul, Vice-Consul, or Consular Agent of the district of the occurrence, or if there be no such consular agency, they shall inform the Consul General, Consul, Vice-Consul, or Consular Agent of the nearest district.

Wrecked vessels and salvage.

All proceedings relative to the salvage of American vessels wrecked or cast on shore in the territorial waters of the German Empire shall take place in accordance with the laws of Germany; and, reciprocally, all measures of salvage relative to German vessels wrecked or cast on shore in the territorial waters of the United States shall take place in accordance with the laws of the United States.

The consular authorities have in both countries to intervene only to superintend the proceedings having reference to the repair and revictualling, or, if necessary, to the sale of the vessel wrecked or cast on shore.

For the intervention of the local authorities, no charges shall be made, except such as in similar cases are paid by vessels of the nation.

Consuls only to intervene for certain purposes.

In case of a doubt concerning the nationality of a shipwrecked vessel, the local authorities shall have exclusively the direction of the proceedings provided for in this article.

If doubt as to nationality of vessel, &c.

All merchandise and goods not destined for consumption in the country where the wreck takes place shall be free of all duties.

Goods on board, except, &c., to be free of duty.

ARTICLE XVII.

With regard to the marks of labels of goods, or of their packages, and also with regard to patterns and marks of manufacture and trade, the citizens of Germany shall enjoy in the United States of America, and American citizens shall enjoy in Germany, the same protection as native citizens.

Trade-marks.

ARTICLE XVIII.

The present convention shall remain in force for the space of ten years, counting from the day of the exchange of the ratifications, which shall be exchanged at Berlin within the period of six months.

Duration.

In case neither party gives notice, twelve months before the expiration of the said period of ten years, of its intention not to renew this convention, it shall remain in force one year longer, and so on, from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

Ratifications.

In faith whereof the Plenipotentiaries have signed and sealed this Convention.

Berlin, the 11th of December, 1871.

[L. S.] GEO. BANCROFT.
[L. S.] B. KOENIG.

The undersigned met this day, in order to effect the exchange of the ratifications of the Consular Convention, signed on the 11th day of December, 1871, between the United States of America and Germany.

Before proceeding to this act, the undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, declared—

Word "property" in Articles III and IX, to mean real estate.

1. That, in accordance with the instruction given him by his Government, with the advice and consent of the Senate, the expression "property," used in the English text of Articles III and IX, is to be construed as meaning and intending "real estate."

Article X to apply also to females.

2. That, according to the laws and the Constitution of the United States, Article X applies, not only to persons of the male sex, but also to persons of the female sex.

After the undersigned, President of the office of the Chancellor of the Empire, had expressed his concurrence with this declaration, the acts of ratification, found to be in good and due form, were exchanged, and the present protocol was in duplicate executed.

Berlin, the 29th April, 1872.

GEO. BANCROFT.
DELBRUECK.

GREAT BRITAIN.

GREAT BRITAIN, 1782.

PROVISIONAL ARTICLES BETWEEN THE UNITED STATES OF AMERICA AND HIS BRITANNIC MAJESTY, CONCLUDED NOVEMBER 30, 1782.

Articles agreed upon, by and between Richard Oswald, Esquire, the Commissioner of His Britannic Majesty, for treating of peace with the Commissioners of the United States of America, in behalf of his said Majesty on the one part, and John Adams, Benjamin Franklin, John Jay, and Henry Laurens, four of the Commissioners of the said States for treating of peace with the Commissioner of his said Majesty, on their behalf, on the other part. To be inserted in, and to constitute the treaty of peace proposed to be concluded between the Crown of Great Britain and the said United States; but which treaty is not to be concluded untill terms of a peace shall be agreed upon between Great Britain and France, and His Britannic Majesty shall be ready to conclude such treaty accordingly.

Whereas reciprocal advantages and mutual convenience are found by experience to form the only permanent foundation of peace and friendship between States, it is agreed to form the articles of the proposed treaty on such principles of liberal equity and reciprocity, as that partial advantages (those seeds of discord) being excluded, such a beneficial and satisfactory intercourse between the two countries may be established as to promise and secure to both perpetual peace and harmony.

ARTICLE I.

His Britannic Majesty acknowledges the said United States, viz., New Hampshire, Massachuset's Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign, and independent States; that he treats with them as such, and for himself, his heirs and successors, relinquishes all claim to the Gouvernment, propriety, and territorial rights of the same and every part thereof; and that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared that the following are and shall be their boundaries, viz:

United States acknowledged to be free, sovereign, and independent.

ARTICLE II.

From the northwest angle of Nova Scotia, viz., that angle which is formed by a line drawn due north from the source of St. Croix River to the Highlands; along the Highlands which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut River; thence down along the middle of that river to the 45th degree of north latitude; from thence, by a line due

Boundaries established.

west on said latitude untill it strikes the river Iroquois or Cataraquy; thence along the middle of said river into Lake Ontario, through the middle of said lake untill it strikes the communication by water between that lake and Lake Erie; thence along the middle of said communication into Lake Erie, through the middle of said lake untill it arrives at the water communication between that lake and Lake Huron; thence along the middle of said water communication into the Lake Huron; thence through the middle of said lake to the water communication between that lake and Lake Superior; thence through Lake Superior northward of the isles Royal and Phelippeaux, to the Long Lake; thence through the middle of said Long Lake, and the water communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said lake to the most northwestern point thereof, and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi untill it shall intersect the northernmost part of the 31st degree of north latitude. South, by a line to be drawn due east from the determination of the line last mentioned, in the latitude of 31 degrees north of the equator, to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint River; thence strait to the head of St. Mary's River; and thence down along the middle of St. Mary's River to the Atlantic Ocean. East, by a line to be drawn along the middle of the river St. Croix, from its mouth in the bay of Fundy to its source, and from its source directly north to the aforesaid highlands which divide the rivers that fall into the Atlantic Ocean, from those which fall into the river St. Laurence; comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the bay of Fundy and the Atlantic Ocean; excepting such islands as now are, or heretofore have been, within the limits of the said province of Nova Scotia.

ARTICLE III.

Right of fishery secured.

It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the Gulph of St. Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use, (but not to dry or cure the same on that island;) and also on the coasts, bays, and creeks of all other of his Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

ARTICLE IV.

Debts to be paid.

It is agreed that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money of all bona fide debts heretofore contracted.

ARTICLE V.

It is agreed that the Congress shall earnestly recommend it to the legislatures of the respective States to provide for the restitution of all estates, rights, and properties which have been confiscated, belonging to real British subjects, and also of the estates, rights, and properties of persons resident in districts in the possession of His Majesty's arms, and who have not borne arms against the said United States: And that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months unmolested in their endeavours to obtain the restitution of such of their estates, rights, and properties as may have been confiscated: And that Congress shall also earnestly recommend to the several States a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation which, on the return of the blessings of peace, should universally prevail: And that Congress shall also earnestly recommend to the several States that the estates, rights, and properties of such last-mentioned persons shall be restored to them, they refunding to any persons who may be now in possession the bona fide price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights, or properties since the confiscation. And it is agreed that all persons who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

Congress to recommend restitution of confiscated estates.

ARTICLE VI.

That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons for or by reason of the part which he or they may have taken in the present war, and that no person shall, on that account, suffer any future loss or damage, either in his person, liberty, or property; and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

No further confiscations or prosecutions.

ARTICLE VII.

There shall be a firm and perpetual peace between His Britannic Majesty and the said States, and between the subjects of the one and the citizens of the other, wherefore all hostilities, both by sea and land, shall then immediately cease: All prisoners, on both sides, shall be set at liberty; and His Britannic Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets from the said United States, and from every port, place, and harbour within the same, leaving in all fortifications the American artillery that may be therein; and shall also order and cause all archives, records, deeds, and papers belonging to any of the said States or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper States and persons to whom they belong.

British armies to be withdrawn.

ARTICLE VIII.

Navigation of the Mississippi.

The navigation of the river Mississippi, from its source to the ocean, shall forever remain free and open to the subjects of Great Britain and the citizens of the United States.

ARTICLE IX.

Conquests to be restored.

In case it should so happen that any place or territory belonging to Great Britain or to the United States should be conquered by the arms of either from the other, before the arrival of these articles in America, it is agreed that the same shall be restored without difficulty and without requiring any compensation.

Done at Paris the thirtieth day of November, in the year one thousand seven hundred and eighty-two.

RICHARD OSWALD. [L. S.]
JOHN ADAMS. [L. S.]
B. FRANKLIN. [L. S.]
JOHN JAY. [L. S.]
HENRY LAURENS. [L. S.]

Witness: CALEB WHITEFOORD,
Sec'y to the British Commission.
W. T. FRANKLIN,
Sec'y to the American Commission.

SEPARATE ARTICLE.

It is hereby understood and agreed that in case Great Britain, at the conclusion of the present war, shall recover, or be put in possession of West Florida, the line of north boundary between the said province and the United States shall be a line drawn from the mouth of the river Yassous, where it unites with the Mississippi, due east, to the river Apalachicola.

Done at Paris the thirtieth day of November, in the year one thousand seven hundred and eighty-two.

RICHARD OSWALD. [L. S.]
JOHN ADAMS. [L. S.]
B. FRANKLIN. [L. S.]
JOHN JAY. [L. S.]
HENRY LAURENS. [L. S.]

Attest: CALEB WHITEFOORD,
Sec'y to the British Commission.
W. T. FRANKLIN,
Sec'y to the American Commission.

GREAT BRITAIN, 1783.

ARMISTICE DECLARING A CESSATION OF HOSTILITIES BETWEEN THE UNITED STATES AND GREAT BRITAIN. CONCLUDED JANUARY 20, 1783.

We, the undersigned Ministers Plenipotentiary of the United States of North America, having received from Mr. Fitz Herbert, Minister

Plenipotentiary of His Britannic Majesty, a declaration relative to a suspension of arms to be established between his said Majesty and the said States, the tenor whereof is as follows:

"Whereas the preliminary articles agreed upon and signed this day, between His Majesty the King of Great Britain and His Majesty the Most Christian King on the one part, and likewise between his said Britannic Majesty and His Catholic Majesty on the other part, contain the stipulation of a cessation of hostilities between those three Powers, which is to take place after the exchange of the ratifications of the said preliminary articles: And whereas, by the provisional treaty signed on the thirtieth day of November last, between His Britannic Majesty and the United States of North America, it hath been stipulated that that treaty should take effect as soon as peace should be established between the said Crowns: The undersigned Minister Plenipotentiary of His Britannic Majesty does declare, in the name and by the express order of the King, his master, that the said United States of North America, their subjects, and their possessions, shall be comprehended in the above-mentioned suspension of arms, and that in consequence they shall enjoy the benefit of the cessation of hostilities at the same epochs and in the same manner as the three Crowns above mentioned, their subjects, and their respective possessions; the whole upon condition that on the part and in the name of the said United States of North America, a similar declaration shall be delivered, expressly declaring their assent to the present suspension of arms, and contain'g the assurance of the most perfect reciprocity on their part.

"In faith whereof we, the Minister Plenipotentiary of His Britannic Majesty, have signed the present declaration, and have caused the seal of our arms to be thereto affixed.

"VERSAILLES, *Jan'y* 20, 1783.

(Signed) "ALLEYNE FITZ HERBERT. [L. S.]"

Have, in the name of the said United States of North America, and by virtue of the powers with which they have vested us, accepted the above declaration, do by these presents merely and simply accept it, and do reciprocally declare that the said States shall cause all hostilities to cease against His Britannic Majesty, his subjects, and his possessions, at the terms and epochs agreed upon between his said Majesty the King of Great Britain, His Majesty the King of France, and His Majesty the King of Spain, so, and in the same manner, as has been agreed between those three Crowns, and to produce the same effects.

In faith whereof we, the Ministers Plenipotentiary of the United States North America, have signed the present declaration, and have affixed thereto the seal of our arms.

VERSAILLES, *January* 20, 1783.

JOHN ADAMS. [L. S.]
B. FRANKLIN. [L. S.]

Copy of the first and twenty-second of the preliminary articles, between France and Great Britain, signed at Versailles the 20th January, 1783.

ARTICLE I.

As soon as the preliminaries shall be signed and ratified, sincere friendship shall be re-established between His Most Christian Majesty and His Britannic Majesty, their kingdoms, states, and subjects, by sea

and by land, in all parts of the world; orders shall be sent to the armies and squadrons, as well as to the subjects of the two Powers, to cease all hostilities and to live in the most perfect union, forgetting the past, according to the order and example of their sovereigns; and for the execution of this article sea-passes shall be given on each side to the ships which shall be dispatched to carry the news to the possessions of the said Powers.

ARTICLE XXII.

To prevent all the causes of complaint and dispute which might arise on account of the prizes which may be taken at sea after the signing of these preliminary articles, it is reciprocally agreed that the vessels and effects which may be taken in the Channel and in the North Seas, after the space of twelve days, to be computed from the ratification of the present preliminary articles, shall be restored on each side. That the term shall be of one month from the Channel and the North Seas to the Canary Islands inclusively, whether in the ocean or in the Mediterranean; of two months from the said Canary Islands to the equinoxial line or equator; and lastly, of five months in all other parts of the world without any exception, nor other more particular distinction of times and places.

GREAT BRITAIN, 1783.

DEFINITIVE TREATY OF PEACE BETWEEN THE UNITED STATES OF AMERICA AND HIS BRITANNIC MAJESTY. CONCLUDED SEPTEMBER 3, 1783.

[In 1815 a discussion was had between the Governments of Great Britain and the United States of the question, How far the treaties made previous to the war of 1812 were abrogated by that event? It was claimed by the United States that those treaties, in many of their provisions, and particularly those relating to the northeastern fisheries, were at most suspended during the war, and revived at its termination. This was denied by Great Britain. (See letters of Mr. John Quincy Adams to Earl Bathurst, September 25, 1815, American State Papers, vol. IV, p. 352, fol. ed. 1834; to Lord Castlereagh, January 22, 1816, *id.* 356; Earl Bathurst to Mr. Adams, October 30, 1815, *id.* 354.)]

In the name of the Most Holy and Undivided Trinity.

It having pleased the Divine Providence to dispose the hearts of the most serene and most potent Prince George the Third, by the Grace of God King of Great Britain, France, and Ireland, Defender of the Faith, Duke of Brunswick and Luneburg, Arch-Treasurer and Prince Elector of the Holy Roman Empire, &ca., and of the United States of America, to forget all past misunderstandings and differences that have unhappily interrupted the good correspondence and friendship which they mutually wish to restore; and to establish such a beneficial and satisfactory intercourse between the two countries, upon the ground of reciprocal advantages and mutual convenience, as may promote and secure to both perpetual peace and harmony: And having for this desirable end already laid the foundation of peace and reconciliation, by the provisional articles, signed at Paris, on the 30th of Nov'r, 1782, by the commissioners empowered on each part, which articles were agreed to be inserted in and to constitute the treaty of peace proposed to be concluded between the Crown of Great Britain and the said United States, but which treaty was not to be concluded until terms of peace should be agreed upon between Great Britain and France, and His Brit-

annic Majesty should be ready to conclude such treaty accordingly; and the treaty between Great Britain and France having since been concluded, His Britannic Majesty and the United States of America, in order to carry into full effect the provisional articles above mentioned, according to the tenor thereof, have constituted and appointed, that is to say, His Britannic Majesty on his part, David Hartley, esqr., member of the Parliament of Great Britain; and the said United States on their part, John Adams, esqr., late a commissioner of the United States of America at the Court of Versailles, late Delegate in Congress from the State of Massachusetts, and chief justice of the said State, and Minister Plenipotentiary of the said United States to their High Mightinesses the States General of the United Netherlands; Benjamin Franklin, esq're, late Delegate in Congress from the State of Pennsylvania, president of the convention of the said State, and Minister Plenipotentiary from the United States of America at the Court of Versailles; John Jay, esq're, late president of Congress, and chief justice of the State of New York, and Minister Plenipotentiary from the said United States at the Court of Madrid, to be the Plenipotentiaries for the concluding and signing the present definitive treaty; who, after having reciprocally communicated their respective full powers, have agreed upon and confirmed the following articles:

ARTICLE I.

United States acknowledged to be independent.

His Britannic Majesty acknowledges the said United States, viz. New Hampshire, Massachusetts Bay, Rhode Island, and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign and independent States; that he treats with them as such, and for himself, his heirs and successors, relinquishes all claims to the Government, propriety and territorial rights of the same, and every part thereof.

ARTICLE II.

Boundaries established.

And that all disputes which might arise in future, on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are, and shall be their boundaries, viz: From the northwest angle of Nova Scotia, viz. that angle which is formed by a line drawn due north from the source of Saint Croix River to the Highlands; along the said Highlands which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut River; thence down along the middle of that river, to the forty-fifth degree of north latitude; from thence, by a line due west on said latitude, until it strikes the river Iroquois or Cataraquy; thence along the middle of said river into Lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and Lake Erie; thence along the middle of said communication into Lake Erie, through the middle of said lake until it arrives at the water communication between that lake and Lake Huron; thence along the middle of said water communication into the Lake Huron; thence through the middle of said lake to the water communication between that lake and Lake Superior; thence through Lake Superior northward of the Isles Royal and Phelipeaux, to the Long Lake; thence through the middle of said Long Lake, and the water communication between it and the Lake of the Woods, to the said Lake of the Woods;

thence through the said lake to the most northwestern point thereof, and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude. South, by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the Equator, to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint River; thence strait to the head of St. Mary's River; and thence down along the middle of St. Mary's River to the Atlantic Ocean. East, by a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of Fundy to its source, and from its source directly north to the aforesaid Highlands, which divide the rivers that fall into the Atlantic Ocean from those which fall into the river St. Lawrence; comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic Ocean; excepting such islands as now are, or heretofore have been, within the limits of the said province of Nova Scotia.

ARTICLE III.

Right of fishery.

It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the Gulph of Saint Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish. And also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island) and also on the coasts, bays, and creeks of all other of His Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

ARTICLE IV.

Debts.

It is agreed that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money, of all bona fide debts heretofore contracted.

ARTICLE V.

Congress to recommend restitution of confiscated estates.

It is agreed that the Congress shall earnestly recommend it to the legislatures of the respective States, to provide for the restitution of all estates, rights, and properties which have been confiscated, belonging to real British subjects, and also of the estates, rights, and properties of persons resident in districts in the possession of His Majesty's arms, and who have not borne arms against the said United States. And that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and

therein to remain twelve months, unmolested in their endeavours to obtain the restitution of such of their estates, rights, and properties as may have been confiscated; and that Congress shall also earnestly recommend to the several States a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation which, on the return of the blessings of peace, should universally prevail. And that Congress shall also earnestly recommend to the several States, that the estates, rights, and properties of such last mentioned persons, shall be restored to them, they refunding to any persons who may be now in possession, the bona fide price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights, or properties, since the confiscation. And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

Article VI.

That there shall be no future confiscations made, nor any prosecutions commenc'd against any person or persons for, or by reason of the part which he or they may have taken in the present war; and that no person shall, on that account, suffer any future loss or damage, either in his person, liberty, or property; and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

No further confiscations or prosecutions.

Article VII.

There shall be a firm and perpetual peace between His Britannic Majesty and the said States, and between the subjects of the one and the citizens of the other, wherefore all hostilities, both by sea and land, shall from henceforth cease: All prisoners on both sides shall be set at liberty, and His Britannic Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets from the said United States, and from every port, place, and harbour within the same; leaving in all fortifications the American artillery that may be therein: And shall also order and cause all archives, records, deeds, and papers, belonging to any of the said States, or their citizens, which, in the course of the war, may have fallen into the hands of his officers, to be forthwith restored and deliver'd to the proper States and persons to whom they belong.

British armies to be withdrawn.

Article VIII.

The navigation of the river Mississippi, from its source to the ocean, shall for ever remain free and open to the subjects of Great Britain, and the citizens of the United States.

Navigation of the Mississippi.

Article IX.

In case it should so happen that any place or territory belonging to Great Britain or to the United States, should have been conquer'd by the arms of either from the other, before the

Conquests to be restored.

arrival of the said provisional articles in America, it is agreed, that the same shall be restored without difficulty, and without requiring any compensation.

ARTICLE X.

Ratifications.

The solemn ratifications of the present treaty, expedited in good and due form, shall be exchanged between the contracting parties, in the space of six months, or sooner if possible, to be computed from the day of the signature of the present treaty. In witness whereof, we the undersigned, their Ministers Plenipotentiary, have in their name and in virtue of our full powers, signed with our hands the present definitive treaty, and caused the seals of our arms to be affix'd thereto.

Done at Paris, this third day of September, in the year of our Lord one thousand seven hundred and eighty-three.

D. HARTLEY. [L. S.]
JOHN ADAMS. [L. S.]
B. FRANKLIN. [L. S.]
JOHN JAY. [L. S.]

GREAT BRITAIN, 1794.

TREATY OF AMITY, COMMERCE, AND NAVIGATION, BETWEEN HIS BRITANNIC MAJESTY AND THE UNITED STATES OF AMERICA, BY THEIR PRESIDENT, WITH THE ADVICE AND CONSENT OF THEIR SENATE. CONCLUDED NOVEMBER 19, 1794; RATIFICATION EXCHANGED OCTOBER 28, 1795; PROCLAIMED FEBRUARY 29, 1796.

His Britannic Majesty and the United States of America, being desirous, by a treaty of amity, commerce, and navigation, to terminate their differences in such a manner, as, without reference to the merits of their respective complaints and pretentions, may be the best calculated to produce mutual satisfaction and good understanding; and also to regulate the commerce and navigation between their respective countries, territories, and people, in such a manner as to render the same reciprocally beneficial and satisfactory; they have, respectively, named their Plenipotentiaries, and given them full powers to treat of, and conclude the said treaty, that is to say:

His Britannic Majesty has named for his Plenipotentiary, the Right Honorable William Wyndham Baron Grenville of Wotton, one of His Majesty's Privy Council, and his Majesty's Principal Secretary of State for Foreign Affairs; and the President of the said United States, by and with the advice and consent of the Senate thereof, hath appointed for their Plenipotentiary, the Honorable John Jay, Chief Justice of the said United States, and their Envoy Extraordinary to His Majesty;

Who have agreed on and concluded the following articles:

ARTICLE I.

Peace established.

There shall be a firm, inviolable and universal peace, and a true and sincere friendship between His Britannic Majesty, his heirs and successors, and the United States of America; and between their respective countries, territories, cities, towns and people of every degree, without exception of persons or places.

ARTICLE II.

His Majesty will withdraw all his troops and garrisons from all posts and places within the boundary lines assigned by the treaty of peace to the United States. This evacuation shall take place on or before the first day of June, one thousand seven hundred and ninety-six, and all the proper measures shall in the interval be taken by concert between the Government of the United States and His Majesty's Governor-General in America, for settling the previous arrangements which may be necessary respecting the delivery of the said posts: The United States in the mean time, at their discretion, extending their settlements to any part within the said boundary line, except within the precincts or jurisdiction of any of the said posts. All settlers and traders, within the precincts or jurisdiction of the said posts, shall continue to enjoy, unmolested, all their property of every kind, and shall be protected therein. They shall be at full liberty to remain there, or to remove with all or any part of their effects; and it shall also be free to them to sell their lands, houses, or effects, or to retain the property thereof, at their discretion; such of them as shall continue to reside within the said boundary lines, shall not be compelled to become citizens of the United States, or to take any oath of allegiance to the Government thereof; but they shall be at full liberty so to do if they think proper, and they shall make and declare their election within one year after the evacuation aforesaid. And all persons who shall continue there after the expiration of the said year, without having declared their intention of remaining subjects of His Britannic Majesty, shall be considered as having elected to become citizens of the United States.

His Majesty to withdraw troops from United States

Privileges allowed to settlers and traders.

ARTICLE III.

It is agreed that it shall at all times be free to His Majesty's subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of the said boundary line, freely to pass and repass by land or inland navigation, into the respective territories and countries of the two parties, on the continent of America, (the country within the limits of the Hudson's Bay Company only excepted,) and to navigate all the lakes, rivers, and waters thereof, and freely to carry on trade and commerce with each other. But it is understood that this article does not extend to the admission of vessels of the United States into the sea-ports, harbours, bays, or creeks of His Majesty's said territories; nor into such parts of the rivers in His Majesty's said territories as are between the mouth thereof, and the highest port of entry from the sea, except in small vessels trading bona fide between Montreal and Quebec, under such regulations as shall be established to prevent the possibility of any frauds in this respect. Nor to the admission of British vessels from the sea into the rivers of the United States, beyond the highest ports of entry for foreign vessels from the sea. The river Mississippi shall, however, according to the treaty of peace, be entirely open to both parties; and it is further agreed, that all the ports and places on its eastern side, to whichsoever of the parties belonging, may freely be resorted to and used by both parties, in as ample a manner as any of the Atlantic ports or places of the United States, or any of the ports or places of His Majesty in Great Britain.

Commercial intercourse.

All goods and merchandize whose importation into His Majesty's said territories in America shall not be entirely prohibited, may freely, for

the purposes of commerce, be carried into the same in the manner aforesaid, by the citizens of the United States, and such goods and merchandize shall be subject to no higher or other duties than would be payable by His Majesty's subjects on the importation of the same from Europe into the said territories. And in like manner, all goods and merchandize whose importation into the United States shall not be wholly prohibited, may freely, for the purposes of commerce, be carried into the same, in the manner aforesaid, by His Majesty's subjects, and such goods and merchandize shall be subject to no higher or other duties than would be payable by the citizens of the United States on the importation of the same in American vessels into the Atlantic ports of the said States. And all goods not prohibited to be exported from the said territories respectively, may in like manner be carried out of the same by the two parties respectively, paying duty as aforesaid.

No duty of entry shall ever be levied by either party on peltries brought by land or inland navigation into the said territories respectively, nor shall the Indians passing or repassing with their own proper goods and effects of whatever nature, pay for the same any impost or duty whatever. But goods in bales, or other large packages, unusual among Indians, shall not be considered as goods belonging bona fide to Indians.

No higher or other tolls or rates of ferriage than what are or shall be payable by natives, shall be demanded on either side; and no duties shall be payable on any goods which shall merely be carried over any of the portages or carrying-places on either side, for the purpose of being immediately re-imbarked and carried to some other place or places. But as by this stipulation it is only meant to secure to each party a free passage across the portages on both sides, it is agreed that this exemption from duty shall extend only to such goods as are carried in the usual and direct road across the portage, and are not attempted to be in any manner sold or exchanged during their passage across the same, and proper regulations may be established to prevent the possibility of any frauds in this respect.

As this article is intended to render in a great degree the local advantages of each party common to both, and thereby to promote a disposition favorable to friendship and good neighborhood, it is agreed that the respective Governments will mutually promote this amicable intercourse, by causing speedy and impartial justice to be done, and necessary protection to be extended to all who may be concerned therein.

ARTICLE IV.

Survey of the Mississippi.

Whereas it is uncertain whether the river Mississippi extends so far to the northward as to be intersected by a line to be drawn due west from the Lake of the Woods, in the manner mentioned in the treaty of peace between His Majesty and the United States: it is agreed that measures shall be taken in concert between His Majesty's Government in America and the Government of the United States, for making a joint survey of the said river from one degree of latitude below the falls of St. Anthony, to the principal source or sources of the said river, and also of the parts adjacent thereto; and that if, on the result of such survey, it should appear that the said river would not be intersected by such a line as is above mentioned, the two parties will thereupon proceed, by amicable negotiation, to regulate the boundary line in that quarter, as well as all other points to be adjusted

between the said parties, according to justice and mutual convenience, and in conformity to the intent of the said treaty.

ARTICLE V.

Whereas doubts have arisen what river was truly intended under the name of the river St. Croix, mentioned in the said treaty of peace, and forming a part of the boundary therein described; that question shall be referred to the final decision of commissioners to be appointed in the following manner, viz:

Commissioners to decide what river is the river St. Croix.

One commissioner shall be named by His Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof, and the said two commissioners shall agree on the choice of a third; or if they cannot so agree, they shall each propose one person, and of the two names so proposed, one shall be drawn by lot in the presence of the two original commissioners. And the three commissioners so appointed shall be sworn, impartially to examine and decide the said question, according to such evidence as shall respectively be laid before them on the part of the British Government and of the United States. The said commissioners shall meet at Halifax, and shall have power to adjourn to such other place or places as they shall think fit. They shall have power to appoint a secretary, and to employ such surveyors or other persons as they shall judge necessary. The said commissioners shall, by a declaration, under their hands and seals, decide what river is the river St. Croix, intended by the treaty. The said declaration shall contain a description of the said river, and shall particularize the latitude and longitude of its mouth and of its source. Duplicates of this declaration and of the statements of their accounts, and of the journal of their proceedings, shall be delivered by them to the agent of His Majesty, and to the agent of the United States, who may be respectively appointed and authorized to manage the business on behalf of the respective Governments. And both parties agree to consider such decision as final and conclusive, so as that the same shall never thereafter be called into question, or made the subject of dispute or difference between them.

ARTICLE VI.

United States to make compensation to British creditors.

Whereas it is alledged by divers British merchants and others His Majesty's subjects, that debts, to a considerable amount, which were bona fide contracted before the peace, still remain owing to them by citizens or inhabitants of the United States, and that by the operation of various lawful impediments since the peace, not only the full recovery of the said debts has been delayed, but also the value and security thereof have been, in several instances, impaired and lessened, so that, by the ordinary course of judicial proceedings, the British creditors cannot now obtain, and actually have and receive full and adequate compensation for the losses and damages which they have thereby sustained: It is agreed, that in all such cases, where full compensation for such losses and damages cannot, for whatever reason, be actually obtained, had and received by the said creditors in the ordinary course of justice, the United States will make full and complete compensation for the same to the said creditors: But it is distinctly understood, that this provision is to extend to such losses only as have been occasioned by the lawful impediments aforesaid, and is not to extend to losses occasioned by such insolvency of the debtors

or other causes as would equally have operated to produce such loss, if the said impediments had not existed; nor to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission of the claimant.

Commissioners to be appointed to ascertain these losses.

For the purpose of ascertaining the amount of any such losses and damages, five commissioners shall be appointed and authorized to meet and act in manner following, viz: Two of them shall be appointed by His Majesty, two of them by the President of the United States by and with the advice and consent of the Senate thereof, and the fifth by the unanimous voice of the other four; and if they should not agree in such choice, then the commissioners named by the two parties shall respectively propose one person, and of the two names so proposed, one shall be drawn by lot, in the presence of the four original commissioners. When the five commissioners thus appointed shall first meet, they shall, before they proceed to act, respectively take the following oath, or affirmation, in the presence of each other; which oath, or affirmation, being so taken and duly attested, shall be entered on the record of their proceedings, viz: I, A. B., one of the commissioners appointed in pursuance of the sixth article of the Treaty of Amity, Commerce and Navigation, between His Britannic Majesty and the United States of America, do solemnly swear (or affirm) that I will honestly, diligently, impartially, and carefully examine, and to the best of my judgment, according to justice and equity, decide all such complaints, as under the said article shall be preferred to the said commissioners: and that I will forbear to act as a commissioner, in any case in which I may be personally interested.

Their power and duty.

Three of the said commissioners shall constitute a board, and shall have power to do any act appertaining to the said commission, provided that one of the commissioners named on each side, and the fifth commissioner shall be present, and all decisions shall be made by the majority of the voices of the commissioners then present. Eighteen months from the day on which the said commissioners shall form a board, and be ready to proceed to business, are assigned for receiving complaints and applications; but they are nevertheless authorized, in any particular cases in which it shall appear to them to be reasonable and just, to extend the said term of eighteen months, for any term not exceeding six months, after the expiration thereof. The said commissioners shall first meet at Philadelphia, but they shall have power to adjourn from place to place as they shall see cause.

The said commissioners in examining the complaints and applications so preferred to them, are empowered and required, in pursuance of the true intent and meaning of this article, to take into their consideration all claims, whether of principal or interest, or balances of principal and interest, and to determine the same respectively, according to the merits of the several cases, due regard being had to all the circumstances thereof, and as equity and justice shall appear to them to require. And the said commissioners shall have power to examine all such persons as shall come before them, on oath or affirmation, touching the premises; and also to receive in evidence, according as they may think most consistent with equity and justice, all written depositions, or books, or papers, or copies, or extracts thereof; every such deposition, book, or paper, or copy, or extract, being duly authenticated, either according to the legal form now respectively existing in the two countries, or in such other manner as the said commissioners shall see cause to require or allow.

The award of the said commissioners, or of any three of them as

aforesaid, shall in all cases be final and conclusive, both as to the justice of the claim, and to the amount of the sum to be paid to the creditor or claimant; and the United States undertake to cause the sum so awarded to be paid in specie to such creditor or claimant without deduction; and at such time or times, and at such place or places, as shall be awarded by the said commissioners; and on condition of such releases or assignments to be given by the creditor or claimant, as by the said commissioners may be directed: Provided always, that no such payment shall be fixed by the said commissioners to take place sooner than twelve months from the day of the exchange of the ratification of this treaty.

ARTICLE VII.

British Government to make compensation to American citizens.

Whereas complaints have been made by divers merchants and others, citizens of the United States, that during the course of the war in which His Majesty is now engaged, they have sustained considerable losses and damage, by reason of irregular or illegal captures or condemnations of their vessels and other property, under color of authority or commissions from His Majesty, and that from various circumstances belonging to the said cases, adequate compensation for the losses and damages so sustained cannot now be actually obtained, had, and received by the ordinary course of judicial proceedings; it is agreed, that in all such cases, where adequate compensation cannot, for whatever reason, be now actually obtained, had, and received by the said merchants and others, in the ordinary course of justice, full and complete compensation for the same will be made by the British Government to the said complainants. But it is distinctly understood that this provision is not to extend to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission of the claimant.

Commissioners to be appointed to ascertain these losses.

That for the purpose of ascertaining the amount of any such losses and damages, five commissioners shall be appointed and authorized to act in London, exactly in the manner directed with respect to those mentioned in the preceding article, and after having taken the same oath or affirmation, (mutatis mutandis,) the same term of eighteen months is also assigned for the reception of claims, and they are in like manner authorized to extend the same in particular cases. They shall receive testimony, books, papers, and evidence in the same latitude, and exercise the like discretion and powers respecting that subject; and shall decide the claims in question according to the merits of the several cases, and to justice, equity, and the laws of nations. The award of the said commissioners, or any such three of them as aforesaid, shall in all cases be final and conclusive, both as to the justice of the claim, and the amount of the sum to be paid to the claimant; and His Britannic Majesty undertakes to cause the same to be paid to such claimant in specie, without any deduction, at such place or places, and at such time or times, as shall be awarded by the said commissioners, and on condition of such releases or assignments to be given by the claimant, as by the said commissioners may be directed.

And whereas certain merchants and others, His Majesty's subjects, complain that, in the course of the war, they have sustained loss and damage by reason of the capture of their vessels and merchandise, taken within the limits and jurisdiction of the States and brought into the ports of the same, or taken by vessels originally armed in ports of the said States:

Compensation to British subjects.

It is agreed that in all such cases where restitution shall not have been made agreeably to the tenor of the letter from Mr. Jefferson to Mr. Hammond, dated at Philadelphia, Sept. 5, 1793, a copy of which is annexed to this treaty; the complaints of the parties shall be and hereby are referred to the commissioners to be appointed by virtue of this article, who are hereby authorized and required to proceed in the like manner relative to these as to the other cases committed to them; and the United States undertake to pay to the complainants or claimants in specie, without deduction, the amount of such sums as shall be awarded to them respectively by the said commissioners, and at the times and places which in such awards shall be specified; and on condition of such releases or assignments to be given by the claimants as in the said awards may be directed: And it is further agreed, that not only the now-existing cases of both descriptions, but also all such as shall exist at the time of exchanging the ratifications of this treaty, shall be considered as being within the provisions, intent, and meaning of this article.

Article VIII.

How expenses shall be paid, and vacancy of commissioners supplied.

It is further agreed that the commissioners mentioned in this and in the two preceding articles shall be respectively paid in such manner as shall be agreed between the two parties, such agreement being to be settled at the time of the exchange of the ratifications of this treaty. And all other expences attending the said commissions shall be defrayed jointly by the two parties, the same being previously ascertained and allowed by the majority of the commissioners. And in the case of death, sickness or necessary absence, the place of every such commissioner respectively shall be supplied in the same manner as such commissioner was first appointed, and the new commissioners shall take the same oath or affirmation and do the same duties.

Article IX.

Alienage not to affect certain titles to lands.

It is agreed that British subjects who now hold lands in the territories of the United States, and American citizens who now hold lands in the dominions of His Majesty, shall continue to hold them according to the nature and tenure of their respective estates and titles therein; and may grant, sell, or devise the same to whom they please, in like manner as if they were natives; and that neither they nor their heirs or assigns shall, so far as may respect the said lands and the legal remedies incident thereto, be regarded as aliens.

Article X.

Sequestration of debts restrained.

Neither the debts due from individuals of the one nation to individuals of the other, nor shares, nor monies, which they may have in the public funds, or in the public or private banks, shall ever in any event of war or national differences be sequestered or confiscated, it being unjust and impolitic that debts and engagements contracted and made by individuals, having confidence in each other and in their respective Governments, should ever be destroyed or impaired by national authority on account of national differences and discontents.

Article XI.

It is agreed between His Majesty and the United States of America, that there shall be a reciprocal and entirely perfect liberty of naviga-

tion and commerce between their respective people, in the manner, under the limitations, and on the conditions specified in the following articles.

ARTICLE XII.

His Majesty consents that it shall and may be lawful, during the time hereinafter limited, for the citizens of the United States to carry to any of His Majesty's islands and ports in the West Indies from the United States, in their own vessels, not being above the burthen of seventy tons, any goods or merchandizes, being of the growth, manufacture, or produce of the said States, which it is or may be lawful to carry to the said islands or ports from the said States in British vessels; and that the said American vessels shall be subject there to no other or higher tonnage duties or charges than shall be payable by British vessels in the ports of the United States; and that the cargoes of the said American vessels shall be subject there to no other or higher duties or charges than shall be payable on the like articles if imported there from the said States in British vessels.

West-India trade regulated

Suspended.

And His Majesty also consents that it shall be lawful for the said American citizens to purchase, load, and carry away in their said vessels to the United States, from the said islands and ports, all such articles, being of the growth, manufacture, or produce of the said islands, as may now by law be carried from thence to the said States in British vessels, and subject only to the same duties and charges on exportation, to which British vessels and their cargoes are or shall be subject in similar circumstances.

Provided always, that the said American vessels do carry and land their cargoes in the United States only, it being expressly agreed and declared that, during the continuance of this article, the United States will prohibit and restrain the carrying any molasses, sugar, coffee, cocoa, or cotton in American vessels, either from His Majesty's islands or from the United States to any part of the world except the United States, reasonable sea-stores excepted. Provided, also, that it shall and may be lawful, during the same period, for British vessels to import from the said islands into the United States, and to export from the United States to the said islands, all articles whatever, being of the growth, produce, or manufacture of the said islands, or of the United States respectively, which now may, by the laws of the said States, be so imported and exported. And that the cargoes of the said British vessels shall be subject to no other or higher duties or charges, than shall be payable on the same articles if so imported or exported in American vessels.

It is agreed that this article, and every matter and thing therein contained, shall continue to be in force during the continuance of the war in which His Majesty is now engaged; and also for two years from and after the day of the signature of the preliminary or other articles of peace, by which the same may be terminated.

And it is further agreed that, at the expiration of the said term, the two contracting parties will endeavour further to regulate their commerce in this respect, according to the situation in which His Majesty may then find himself with respect to the West Indies, and with a view to such arrangements as may best conduce to the mutual advantage and extension of commerce. And the said parties will then also renew their discussions, and endeavour to agree, whether in any and what cases, neutral vessels shall protect enemy's property; and in what cases provisions and other articles, not generally contraband, may become

such. But in the mean time, their conduct towards each other in these respects shall be regulated by the articles hereinafter inserted on those subjects.

ARTICLE XIII.

East-India trade regulated.

His Majesty consents that the vessels belonging to the citizens of the United States of America shall be admitted and hospitably received in all the sea-ports and harbors of the British territories in the East Indies. And that the citizens of the said United States may freely carry on a trade between the said territories and the said United States, in all articles of which the importation or exportation respectively, to or from the said territories, shall not be entirely prohibited. Provided only, that it shall not be lawful for them in any time of war between the British Government and any other Power or State whatever, to export from the said territories, without the special permission of the British Government there, any military stores, or naval stores, or rice. The citizens of the United States shall pay for their vessels when admitted into the said ports no other or higher tonnage duty than shall be payable on British vessels when admitted into the ports of the United States. And they shall pay no other or higher duties or charges, on the importation or exportation of the cargoes of the said vessels, than shall be payable on the same articles when imported or exported in British vessels. But it is expressly agreed that the vessels of the United States shall not carry any of the articles exported by them from the said British territories to any port or place, except to some port or place in America, where the same shall be unladen and such regulations shall be adopted by both parties as shall from time to time be found necessary to enforce the due and faithful observance of this stipulation. It is also understood that the permission granted by this article is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories; but vessels going with their original cargoes, or part thereof, from one port of discharge to another, are not to be considered as carrying on the coasting trade. Neither is this article to be construed to allow the citizens of the said States to settle or reside within the said territories, or to go into the interior parts thereof, without the permission of the British Government established there; and if any transgression should be attempted against the regulations of the British Government in this respect, the observance of the same shall and may be enforced against the citizens of America in the same manner as against British subjects or others transgressing the same rule. And the citizens of the United States, whenever they arrive in any port or harbour in the said territories, or if they should be permitted, in manner aforesaid, to go to any other place therein, shall always be subject to the laws, government, and jurisdiction of what nature established in such harbor, port, or place, according as the same may be. The citizens of the United States may also touch for refreshment at the island of St. Helena, but subject in all respects to such regulations as the British Government may from time to time establish there.

ARTICLE XIV.

Liberty of commerce.

There shall be between all the dominions of His Majesty in Europe and the territories of the United States a reciprocal and perfect liberty of commerce and navigation. The people and inhabitants of the two countries, respectively, shall have liberty

freely and securely, and without hindrance and molestation, to come with their ships and cargoes to the lands, countries, cities, ports, places, and rivers within the dominions and territories aforesaid, to enter into the same, to resort there, and to remain and reside there, without any limitation of time. Also to hire and possess houses and warehouses for the purposes of their commerce, and generally the merchants and traders on each side shall enjoy the most complete protection and security for their commerce; but subject always as to what respects this article to the laws and statutes of the two countries respectively.

ARTICLE XV.

Duties on ships and merchandise

It is agreed that no other or higher duties shall be paid by the ships or merchandize of the one party in the ports of the other than such as are paid by the like vessels or merchandize of all other nations. Nor shall any other or higher duty be imposed in one country on the importation of any articles the growth, produce, or manufacture of the other, than are or shall be payable on the importation of the like articles being of the growth, produce, or manufacture of any other foreign country. Nor shall any prohibition be imposed on the exportation or importation of any articles to or from the territories of the two parties respectively, which shall not equally extend to all other nations.

But the British Government reserves to itself the right of imposing on American vessels entering into the British ports in Europe a tonnage duty equal to that which shall be payable by British vessels in the ports of America; and also such duty as may be adequate to countervail the difference of duty now payable on the importation of European and Asiatic goods, when imported into the United States in British or in American vessels.

The two parties agree to treat for the more exact equalization of the duties on the respective navigation of their subjects and people, in such manner as may be most beneficial to the two countries. The arrangements for this purpose shall be made at the same time with those mentioned at the conclusion of the twelfth article of this treaty, and are to be considered as a part thereof. In the interval it is agreed that the United States will not impose any new or additional tonnage duties on British vessels, nor increase the now-subsisting difference between the duties payable on the importation of any articles in British or in American vessels.

ARTICLE XVI.

Consuls.

It shall be free for the two contracting parties, respectively, to appoint Consuls for the protection of trade, to reside in the dominions and territories aforesaid; and the said Consuls shall enjoy those liberties and rights which belong to them by reason of their function. But before any Consul shall act as such, he shall be in the usual forms approved and admitted by the party to whom he is sent; and it is hereby declared to be lawful and proper that, in case of illegal or improper conduct towards the laws or Government, a Consul may ether be punished according to law, if the laws will reach the case, or be dismissed, or even sent back, the offended Government assigning to the other their reasons for the same.

Either of the parties may except from the residence of Consuls such particular places as such party shall judge proper to be so excepted.

ARTICLE XVII.

Vessels captured on suspicion of carrying contraband goods.

It is agreed that in all cases where vessels shall be captured or detained on just suspicion of having on board enemy's property, or of carrying to the enemy any of the articles which are contraband of war, the said vessels shall be brought to the nearest or most convenient port; and if any property of an enemy should be found on board such vessel, that part only which belongs to the enemy shall be made prize, and the vessel shall be at liberty to proceed with the remainder without any impediment. And it is agreed that all proper measures shall be taken to prevent delay in deciding the cases of ships or cargoes so brought in for adjudication, and in the payment or recovery of any indemnification, adjudged or agreed to be paid to the masters or owners of such ships.

ARTICLE XVIII.

What articles shall be deemed contraband.

In order to regulate what is in future to be esteemed contraband of war, it is agreed that under the said denomination shall be comprised all arms and implements serving for the purposes of war, by land or sea, such as cannon, muskets, mortars, petards, bombs, grenades, carcasses, saucisses, carriages for cannon, musket-rests, bandoliers, gun-powder, match, saltpetre, ball, pikes, swords, head-pieces, cuirasses, halberts, lances, javelins, horse-furniture, holsters, belts, and generally all other implements of war, as also timber for ship-building, tar or rozin, copper in sheets, sails, hemp, and cordage, and generally whatever may serve directly to the equipment of vessels, unwrought iron and fir planks only excepted; and all the above articles are hereby declared to be just objects of confiscation whenever they are attempted to be carried to an enemy.

Provisions becoming contraband.

And whereas the difficulty of agreeing on the precise cases in which alone provisions and other articles not generally contraband may be regarded as such, renders it expedient to provide against the inconveniences and misunderstandings which might thence arise: It is further agreed that whenever any such articles so becoming contraband, according to the existing laws of nations, shall for that reason be seized, the same shall not be confiscated, but the owners thereof shall be speedily and completely indemnified; and the captors, or, in their default, the Government under whose authority they act, shall pay to the masters or owners of such vessels the full value of all such articles, with a reasonable mercantile profit thereon, together with the freight, and also the demurrage incident to such detention.

Vessels attempting to enter a blockaded port.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is either besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place; but she shall not be detained, nor her cargo, if not contraband, be confiscated, unless after notice she shall again attempt to enter, but she shall be permitted to go to any other port or place she may think proper; nor shall any vessel or goods of either party that may have entered into such port or place before the same was besieged, blockaded, or invested by the other, and be found therein after the reduction or surrender of such place, be liable to confiscation, but shall be restored to the owners or proprietors thereof.

ARTICLE XIX.

And that more abundant care may be taken for the security of the respective subjects and citizens of the contracting parties, and to prevent their suffering injuries by the men-of-war, or privateers of either party, all commanders of ships of war and privateers, and all others the said subjects and citizens, shall forbear doing any damage to those of the other party or committing any outrage against them, and if they act to the contrary they shall be punished, and shall also be bound in their persons and estates to make satisfaction and reparation for all damages, and the interest thereof, of whatever nature the said damages may be.

Privateering.

For this cause, all commanders of privateers, before they receive their commissions, shall hereafter be obliged to give, before a competent judge, sufficient security by at least two responsible sureties, who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of fifteen hundred pounds sterling, or, if such ships be provided with above one hundred and fifty seamen or soldiers, in the sum of three thousand pounds sterling, to satisfy all damages and injuries which the said privateer, or her officers or men, or any of them, may do or commit during their cruise contrary to the tenor of this treaty, or to the laws and instructions for regulating their conduct; and further, that in all cases of aggressions the said commissions shall be revoked and annulled.

It is also agreed that whenever a judge of a court of admiralty of either of the parties shall pronounce sentence against any vessel or goods or property belonging to the subjects or citizens of the other party, a formal and duly authenticated copy of all the proceedings in the cause, and of the said sentence, shall, if required, be delivered to the commander of the said vessel, without the smallest delay, he paying all legal fees and demands for the same.

ARTICLE XX.

It is further agreed that both the said contracting parties shall not only refuse to receive any pirates into any of their ports, havens, or towns, or permit any of their inhabitants to receive, protect, harbor, conceal, or assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offences.

Pirates.

And all their ships, with the goods or merchandizes taken by them and brought into the port of either of the said parties, shall be seized as far as they can be discovered, and shall be restored to the owners, or their factors or agents, duly deputed and authorized in writing by them (proper evidence being first given in the court of admiralty for proving the property) even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew or had good reason to believe or suspect that they had been piratically taken.

ARTICLE XXI.

It is likewise agreed that the subjects and citizens of the two nations shall not do any acts of hostility or violence against each other, nor accept commissions or instructions so to act from any foreign Prince or State, enemies to the other party; nor shall the enemies of one of the parties be permitted to invite,

Subjects or citizens of one party shall not accept commission from a foreign State at war with the other.

or endeavor to enlist in their military service, any of the subjects or citizens of the other party; and the laws against all such offences and aggressions shall be punctually executed. And if any subject or citizen of the said parties respectively shall accept any foreign commission or letters of marque for arming any vessel to act as a privateer against the other party, and be taken by the other party, it is hereby declared to be lawful for the said party to treat and punish the said subject or citizen having such commission or letters of marque as a pirate.

Article XXII.

Reprisal.

It is expressly stipulated that neither of the said contracting parties will order or authorize any acts of reprisal against the other, on complaints of injuries or damages, until the said party shall first have presented to the other a statement thereof, verified by competent proof and evidence, and demanded justice and satisfaction, and the same shall either have been refused or unreasonably delayed.

Article XXIII.

Ships of war.

The ships of war of each of the contracting parties shall, at all times, be hospitably received in the ports of the other, their officers and crews paying due respect to the laws and Government of the country. The officers shall be treated with that respect which is due to the commissions which they bear, and if any insult should be offered to them by any of the inhabitants, all offenders in this respect shall be punished as disturbers of the peace and amity between the two countries.

When American vessels may enter British ports.

And His Majesty consents that in case an American vessel should, by stress of weather, danger from enemies, or other misfortune, be reduced to the necessity of seeking shelter in any of His Majesty's ports, into which such vessel could not in ordinary cases claim to be admitted, she shall, on manifesting that necessity to the satisfaction of the Government of the place, be hospitably received, and be permitted to refit and to purchase at the market price such necessaries as she may stand in need of, conformably to such orders and regulations as the Government of the place, having respect to the circumstances of each case, shall prescribe. She shall not be allowed to break bulk or unload her cargo, unless the same should be bona fide necessary to her being refitted. Nor shall be permitted to sell any part of her cargo, unless so much only as may be necessary to defray her expences, and then not without the express permission of the Government of the place. Nor shall she be obliged to pay any duties whatever, except only on such articles as she may be permitted to sell for the purpose aforesaid.

Article XXIV.

Foreign privateers.

It shall not be lawful for any foreign privateers (not being subjects or citizens of either of the said parties) who have commissions from any other Prince or State in enmity with either nation to arm their ships in the ports of either of the said parties, nor to sell what they have taken, nor in any other manner to exchange the same; nor shall they be allowed to purchase more provisions than shall be necessary for their going to the nearest port of that Prince or State from whom they obtained their commissions.

ARTICLE XXV.

It shall be lawful for the ships of war and privateers belonging to the said parties respectively to carry whithersoever they please the ships and goods taken from their enemies, without being obliged to pay any fee to the officers of the admiralty, or to any judges whatever; nor shall the said prizes, when they arrive at and enter the ports of the said parties, be detained or seized, neither shall the searchers or other officers of those places visit such prizes, (except for the purpose of preventing the carrying of any part of the cargo thereof on shore in any manner contrary to the established laws of revenue, navigation, or commerce,) nor shall such officers take cognizance of the validity of such prizes; but they shall be at liberty to hoist sail and depart as speedily as may be, and carry their said prizes to the place mentioned in their commissions or patents, which the commanders of the said ships of war or privateers shall be obliged to show. No shelter or refuge shall be given in their ports to such as have made a prize upon the subjects or citizens of either of the said parties; but if forced by stress of weather, or the dangers of the sea, to enter therein, particular care shall be taken to hasten their departure, and to cause them to retire as soon as possible. Nothing in this treaty contained shall, however, be construed or operate contrary to former and existing public treaties with other sovereigns or States. But the two parties agree that while they continue in amity neither of them will in future make any treaty that shall be inconsistent with this or the preceding article.

Prizes and captures.

Neither of the said parties shall permit the ships or goods belonging to the subjects or citizens of the other to be taken within cannon shot of the coast, nor in any of the bays, ports, or rivers of their territories, by ships of war or others having commission from any Prince, Republic, or State whatever. But in case it should so happen, the party whose territorial rights shall thus have been violated shall use his utmost endeavors to obtain from the offending party full and ample satisfaction for the vessel or vessels so taken, whether the same be vessels of war or merchant vessels.

ARTICLE XXVI.

If at any time a rupture should take place (which God forbid) between His Majesty and the United States, the merchants and others of each of the two nations residing in the dominions of the other shall have the privilege of remaining and continuing their trade, so long as they behave peaceably and commit no offence against the laws; and in case their conduct should render them suspected, and the respective Governments should think proper to order them to remove, the term of twelve months from the publication of the order shall be allowed them for that purpose, to remove with their families, effects, and property, but this favor shall not be extended to those who shall act contrary to the established laws; and for greater certainty, it is declared that such rupture shall not be deemed to exist while negociations for accommodating differences shall be depending, nor until the respective Ambassadors or Ministers, if such there shall be, shall be recalled or sent home on account of such differences, and not on account of personal misconduct, according to the nature and degrees of which both parties retain their rights, either to request the recall, or immediately to send home the Ambassador or Minister of the other, and that without prejudice to their mutual friendship and good understanding.

Privileges of the subjects and citizens of each party residing in the dominions of the other.

ARTICLE XXVII.

Criminals.

It is further agreed that His Majesty and the United States, on mutual requisitions, by them respectively, or by their respective Ministers or officers authorized to make the same, will deliver up to justice all persons who, being charged with murder or forgery, committed within the jurisdiction of either, shall seek an asylum within any of the countries of the other, provided that this shall only be done on such evidence of criminality as, according to the laws of the place, where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the offence had there been committed. The expence of such apprehension and delivery shall be borne and defrayed by those who make the requisition and receive the fugitive.

ARTICLE XXVIII.

Limitation.

It is agreed that the first ten articles of this treaty shall be permanent, and that the subsequent articles, except the twelfth, shall be limited in their duration to twelve years, to be computed from the day on which the ratifications of this treaty shall be exchanged, but subject to this condition, That whereas the said twelfth article will expire by the limitation therein contained, at the end of two years from the signing of the preliminary or other articles of peace, which shall terminate the present war in which His Majesty is engaged, it is agreed that proper measures shall by concert be taken for bringing the subject of that article into amicable treaty and discussion, so early before the expiration of the said term as that new arrangements on that head may by that time be perfected and ready to take place. But if it should unfortunately happen that His Majesty and the United States should not be able to agree on such new arrangements, in that case all the articles of this treaty, except the first ten, shall then cease and expire together.

Ratifications.

Lastly. This treaty, when the same shall have been ratified by His Majesty and by the President of the United States, by and with the advice and consent of their Senate, and the respective ratifications mutually exchanged, shall be binding and obligatory on His Majesty and on the said States, and shall be by them respectively executed and observed with punctuality and the most sincere regard to good faith; and whereas it will be expedient, in order the better to facilitate intercourse and obviate difficulties, that other articles be proposed and added to this treaty, which articles, from want of time and other circumstances, cannot now be perfected, it is agreed that the said parties will, from time to time, readily treat of and concerning such articles, and will sincerely endeavor so to form them as that they may conduce to mutual convenience and tend to promote mutual satisfaction and friendship; and that the said articles, after having been duly ratified, shall be added to and make a part of this treaty. In faith whereof we, the undersigned Ministers Plenipotentiary of His Majesty the King of Great Britain and the United States of America, have signed this present treaty, and have caused to be affixed thereto the seal of our arms.

Done at London this nineteenth day of November, one thousand seven hundred and ninety-four.

GRENVILLE. [L. S.]
JOHN JAY. [L. S.]

ADDITIONAL ARTICLE.

It is further agreed, between the said contracting parties, that the operation of so much of the twelfth article of the said treaty as respects the trade which his said Majesty thereby consents may be carried on between the United States and his islands in the West Indies, in the manner and on the terms and conditions therein specified, shall be suspended.

Twelfth article suspended.

EXPLANATORY ARTICLE.

May 4, 1796.

Whereas by the third article of the treaty of amity, commerce, and navigation, concluded at London on the nineteenth day of November, one thousand seven hundred and ninety-four, between His Britannic Majesty and the United States of America, it was agreed that it should at all times be free to His Majesty's subjects and to the citizens of the United States, and also to the Indians dwelling on either side of the boundary line, assigned by the treaty of peace to the United States, freely to pass and repass, by land or inland navigation, into the respective territories and countries of the two contracting parties, on the continent of America, (the country within the limits of the Hudson's Bay Company only excepted,) and to navigate all the lakes, rivers, and waters thereof, and freely to carry on trade and commerce with each other, subject to the provisions and limitations contained in the said article: And whereas by the eighth article of the treaty of peace and friendship concluded at Greenville on the third day of August, one thousand seven hundred and ninety-five, between the United States and the nations or tribes of Indians called the Wyandots, Delawares, Shawanoes, Ottawas, Chippewas, Putawatimies, Miamis, Eel River, Weeas, Kickapoos, Piankashaws, and Kaskaskias, it was stipulated that no person should be permitted to reside at any of the towns or hunting camps of the said Indian tribes, as a trader, who is not furnished with a licence for that purpose under the authority of the United States: Which latter stipulation has excited doubts, whether in its operation it may not interfere with the due execution of the said third article of the treaty of amity, commerce, and navigation: And it being the sincere desire of His Britannic Majesty and of the United States that this point should be so explained as to remove all doubts and promote mutual satisfaction and friendship: And for this purpose His Britannic Majesty having named for his Commissioner, Phineas Bond, Esquire, His Majesty's Consul General for the Middle and Southern States of America, (and now His Majesty's Chargé d'Affaires to the United States,) and the President of the United States having named for their Commissioner, Timothy Pickering, Esquire, Secretary of State of the United States, to whom, agreeably to the laws of the United States, he has intrusted this negotiation: They, the said commissioners, having communicated to each other their full powers, have, in virtue of the same, and conformably to the spirit of the last article of the said treaty of amity, commerce, and navigation, entered into this explanatory article, and do by these presents explicitly agree and declare, that no stipulations in any treaty subsequently concluded by either of the contracting parties with any other State or nation, or with any Indian tribe, can be understood to derogate in any manner from the rights of free intercourse and commerce, secured by the aforesaid

third article of the treaty of amity, commerce, and navigation, to the subjects of his Majesty and to the citizens of the United States, and to the Indians dwelling on either side of the boundary line aforesaid; but that all the said persons shall remain at full liberty freely to pass and repass, by land or inland navigation, into the respective territories and countries of the contracting parties, on either side of the said boundary line, and freely to carry on trade and commerce with each other, according to the stipulations of the said third article of the treaty of amity, commerce, and navigation.

This explanatory article, when the same shall have been ratified by His Majesty and by the President of the United States, by and with the advice and consent of their Senate, and the respective ratifications mutually exchanged, shall be added to and make a part of the said treaty of amity, commerce, and navigation, and shall be permanently binding upon His Majesty and the United States.

In witness whereof we, the said Commissioners of His Majesty the King of Great Britain and the United States of America, have signed this present explanatory article, and thereto affixed our seals.

Done at Philadelphia this fourth day of May, in the year of our Lord one thousand seven hundred and ninety-six.

P. BOND. [L. S.]
TIMOTHY PICKERING. [L. S.]

Explanatory article, to be added to the treaty of amity, commerce, and navigation between the United States and His Britannic Majesty.

March 15, 1798.

The commissioners under the 5th article and the source of the St. Croix.

Whereas by the twenty-eighth article of the treaty of amity, commerce, and navigation between His Britannick Majesty and the United States, signed at London on the nineteenth day of November, one thousand seven hundred and ninety-four, it was agreed that the contracting parties would, from time to time, readily treat of and concerning such further articles as might be proposed; that they would sincerely endeavour so to form such articles as that they might conduce to mutual convenience and tend to promote mutual satisfaction and friendship; and that such articles, after having been duly ratified, should be added to and make a part of that treaty: And whereas difficulties have arisen with respect to the execution of so much of the fifth article of the said treaty as requires that the Commissioners appointed under the same should in their description particularize the latitude and longitude of the source of the river which may be found to be the one truly intended in the treaty of peace between His Britannick Majesty and the United States, under the name of the river St. Croix, by reason whereof it is expedient that the said Commissioners should be released from the obligation of conforming to the provisions of the said article in this respect. The undersigned being respectively named by His Britannick Majesty and the United States of America their Plenipotentiaries for the purpose of treating of and concluding such articles as may be proper to be added to the said treaty, in conformity to the above-mentioned stipulation, and having communicated to each other their respective full powers, have agreed and concluded, and do hereby declare in the name of His Britannick Majesty and of the United States of America, that the Commissioners appointed under the fifth article of the above-mentioned treaty shall not be obliged to particularize, in

their description, the latitude and longitude of the source of the river which may be found to be the one truly intended in the aforesaid treaty of peace under the name of the river St. Croix, but they shall be at liberty to describe the said river, in such other manner as they may judge expedient, which description shall be considered as a compleat execution of the duty required of the said Commissioners in this respect by the article aforesaid. And to the end that no uncertainty may hereafter exist on this subject, it is further agreed, That as soon as may be after the decision of the said Commissioners, measures shall be concerted between the Government of the United States and His Britannick Majesty's Governors or Lieutenant Governors in America, in order to erect and keep in repair a suitable monument at the place ascertained and described to be the source of the said river St. Croix, which measures shall immediately thereupon, and as often afterwards as may be requisite, be duly executed on both sides with punctuality and good faith.

A monument at the source.

This explanatory article, when the same shall have been ratified by His Majesty and by the President of the United States, by and with the advice and consent of their Senate, and the respective ratifications mutually exchanged, shall be added to and make a part of the treaty of amity, commerce, and navigation between His Majesty and the United States, signed at London on the nineteenth day of November, one thousand seven hundred and ninety-four, and shall be permanently binding upon His Majesty and the United States.

In witness whereof we, the said undersigned Plenipotentiaries of His Britannick Majesty and the United States of America, have signed this present article, and have caused to be affixed thereto the seal of our arms.

Done at London this fifteenth day of March, one thousand seven hundred and ninety-eight.

GRENVILLE. [L. S.]
RUFUS KING. [L. S.]

Letter from Thomas Jefferson to George Hammond.

PHILADELPHIA, *September* 5, 1793.

SIR: I am honored with yours of August 30. Mine of the 7th of that month assured you that measures were taken for excluding from all further asylum in our ports vessels armed in them to cruise on nations with which we are at peace, and for the restoration of the prizes the Lovely Lass, Prince William Henry, and the Jane of Dublin; and that should the measures for restitution fail in their effect, the President considered it as incumbent on the United States to make compensation for the vessels.

We are bound by our treaties with three of the belligerent nations, by all the means in our power, to protect and defend their vessels and effects in our ports, or waters, or on the seas near our shores, and to recover and restore the same to the right owners when taken from them. If all the means in our power are used, and fail in their effect, we are not bound by our treaties with those nations to make compensation.

Though we have no similar treaty with Great Britain, it was the opinion of the President that we should use towards that nation the same rule which, under this article, was to govern us with the other nations; and even to extend it to captures made on the high seas and brought into our ports, if done by vessels which had been armed within them.

Having, for particular reasons, forbore to use all the means in our power for the restitution of the three vessels mentioned in my letter of August 7th, the President thought it incumbent on the United States to make compensation for them; and though nothing was said in that letter of other vessels taken under like circumstances, and brought in after the 5th of June, and before the date of that letter, yet when the same forbearance had taken place, it was and is his opinion, that compensation would be equally due.

As to prizes made under the same circumstances, and brought in after the date of that letter, the President determined that all the means in our power should be used for their restitution. If these fail, as we should not be bound by our treaties to make compensation to the other Powers in the analogous case, he did not mean to give an opinion that it ought to be done to Great Britain. But still, if any cases shall arise subsequent to that date, the circumstances of which shall place them on similar ground with those before it, the President would think compensation equally incumbent on the United States.

Instructions are given to the Governors of the different States to use all the means in their power for restoring prizes of this last description found within their ports. Though they will, of course, take measures to be informed of them, and the General Government has given them the aid of the custom-house officers for this purpose, yet you will be sensible of the importance of multiplying the channels of their information as far as shall depend on yourself, or any person under your direction, in order that the Governors may use the means in their power for making restitution.

Without knowledge of the capture they cannot restore it. It will always be best to give the notice to them directly; but any information which you shall be pleased to send to me, also, at any time, shall be forwarded to them as quickly as distance will permit.

Hence you will perceive, sir, that the President contemplates restitution or compensation in the case before the 7th of August; and after that date, restitution if it can be effected by any means in our power. And that it will be important that you should substantiate the fact that such prizes are in our ports or waters.

Your list of the privateers illicitly armed in our ports is, I believe, correct.

With respect to losses by detention, waste, spoliation sustained by vessels taken as before mentioned, between the dates of June 5th and August 7th, it is proposed as a provisional measure that the Collector of the Customs of the district, and the British Consul, or any other person you please, shall appoint persons to establish the value of the vessel and cargo at the time of her capture and of her arrival in the port into which she is brought, according to their value in that port. If this shall be agreeable to you, and you will be pleased to signify it to me, with the names of the prizes understood to be of this description, instructions will be given accordingly to the Collector of the Customs where the respective vessels are.

I have the honor to be, &c.,

TH: JEFFERSON.

GEO: HAMMOND, Esq.

GREAT BRITAIN, 1802.

CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN, CONCLUDED JANUARY 8, 1802; RATIFICATIONS EXCHANGED 15 JULY, 1802.

Preamble.
Treaty of 19th Nov., 1794, art. 7.

Difficulties having arisen in the execution of the sixth article of the treaty of amity, commerce, and navigation, concluded at London on the fourth day of November, one thousand seven hundred and ninety-four, between His Britannic Majesty and the United States of America, and in consequence thereof the proceedings of the Commissioners under the seventh article of the same treaty having been suspended, the parties to the said treaty being equally desirous, as far as may be, to obviate such difficulties, have respectively named Plenipotentiaries to treat and agree respecting the same, that is to say, His Britannic Majesty has named for his Plenipotentiary, the Right Honourable Robert Banks Jenkinson, commonly called Lord Hawkesbury, one of His Majesty's Most Honourable Privy Council, and his Principal Secretary of State for Foreign Affairs; and the President of the United States, by and with the advice and consent of the Senate thereof, has named for their Plenipotentiary, Rufus King, Esquire, Minister Plenipotentiary of the said United States to his Britannic Majesty; who have agreed to and concluded the following articles:

ARTICLE I.

In satisfaction and discharge of the money which the United States might have been liable to pay in pursuance of the provisions of the said sixth article, which is hereby declared to be cancelled and annulled, except so far as the same may relate to the execution of the said seventh article, the United States of America hereby engage to pay, and His Britannic Majesty consents to accept, for the use of the persons described in the said sixth article, the sum of six hundred thousand pounds sterling, payable at the times and place, and in the manner following, that is to say, the said sum of six hundred thousand pounds sterling shall be paid at the city of Washington, in three annual instalments of two hundred thousand pounds sterling each, and to such person or persons as shall be authorized by His Britannic Majesty to receive the same; the first of the said instalments to be paid at the expiration of one year, the second instalment at the expiration of two years, and the third and last instalment at the expiration of three years next following the exchange of the ratifications of this convention. And to prevent any disagreement concerning the rate of exchanges, the said payments shall be made in the money of the said United States, reckoning four dollars and forty-four cents to be equal to one pound sterling.

The sixth article.

ARTICLE II.

Whereas it is agreed by the fourth article of the definitive treaty of peace, concluded at Paris on the third day of September, one thousand seven hundred and eighty-three, between His Britannic Majesty and the United States, that creditors on either side should meet with no lawful impediment to the recovery of the full value in sterling money of all bona fide debts theretofore contracted, it is hereby declared that the said fourth article, so far as respects its future operation, is hereby recognized, confirmed, and declared to be binding and obligatory on His Britannic Majesty and the said United States, and the same shall be accordingly observed with punctuality and good faith, and so as that the said creditors shall hereafter meet with no lawful impediment to the recovery of the full value in sterling money of their bona fide debts.

The fourth article of the treaty of peace of 1783.

ARTICLE III.

It is furthermore agreed and concluded that the Commissioners appointed in pursuance of the seventh article of the said treaty of amity, commerce, and navigation, and whose proceedings have been suspended as aforesaid, shall, immediately after the signature of this convention, re-assemble and proceed in the execution of their duties according to the provisions of the said seventh article, except only that, instead of the sums awarded by the said Commissioners being made payable at the time or times by them appointed, all sums of money by them awarded to be paid to American or British claimants, according to the provisions of the said seventh article, shall be made payable in three equal instalments, the first whereof to be paid at the expiration of one year, the second at the expiration of two years, and the third and last at the expiration of three years next after the exchange of the ratifications of this convention.

ARTICLE IV.

This convention, when the same shall have been ratified by His Majesty, and by the President of the United States, by and with the advice and consent of the Senate thereof, and the respective ratifications duly exchanged, shall be binding and obligatory upon His Majesty and the said United States.

Ratifications.

In faith whereof we, the undersigned Plenipotentiaries of His Britannic Majesty and of the United States of America, by virtue of our respective full powers, have signed the present convention, and have caused the seals of our arms to be affixed thereto.

Done at London the eighth day of January, one thousand eight hundred and two.

HAWKESBURY. [L. S.]
RUFUS KING. [L. S.]

GREAT BRITAIN, 1814.

TREATY OF PEACE AND AMITY BETWEEN HIS BRITANNIC MAJESTY AND THE UNITED STATES OF AMERICA. CONCLUDED DECEMBER 24, 1814; RATIFICATIONS EXCHANGED FEBRUARY 17, 1815; PROCLAIMED FEBRUARY 18, 1815.

His Britannic Majesty and the United States of America, desirous of terminating the war which has unhappily subsisted between the two countries, and of restoring, upon principles of perfect reciprocity, peace, friendship, and good understanding between them, have, for that purpose, appointed their respective Plenipotentaries, that is to say:

His Britannic Majesty, on his part, has appointed the Right Honourable James Lord Gambier, late Admiral of the White, now Admiral of the Red Squadron of His Majesty's fleet, Henry Goulburn, Esquire, a member of the Imperial Parliament, and Under Secretary of State, and William Adams, Esquire, Doctor of Civil Laws; and the President of the United States, by and with the advice and consent of the Senate thereof, has appointed John Quincy Adams, James A. Bayard, Henry Clay, Jonathan Russell, and Albert Gallatin, citizens of the United States;

Who, after a reciprocal communication of their respective full powers, have agreed upon the following articles:

ARTICLE I.

There shall be a firm and universal peace between His Britannic Majesty and the United States, and between their respective countries, territories, cities, towns, and people, of every degree, without exception of places or persons. All hostilities, both by sea and land, shall cease as soon as this treaty shall have been ratified by both parties, as hereinafter mentioned. All territory, places, and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction or carrying away any of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty, or

Firm and inviolable peace.

Territory, &c., to be restored, with exceptions.

any slaves or other private property. And all archives, records, deeds, and papers, either of a public nature or belonging to private persons, which, in the course of the war, may have fallen into the hands of the officers of either party, shall be, as far as may be practicable, forthwith restored and delivered to the proper authorities and persons to whom they respectively belong. Such of the islands in the Bay of Passamaquoddy as are claimed by both parties, shall remain in the possession of the party in whose occupation they may be at the time of the exchange of the ratifications of this treaty, until the decision respecting the title to the said islands shall have been made in conformity with the fourth article of this treaty. No disposition made by this treaty as to such possession of the islands and territories claimed by both parties shall, in any manner whatever, be construed to affect the right of either.

Archives and records to be restored.

ARTICLE II.

Immediately after the ratifications of this treaty by both parties, as hereinafter mentioned, orders shall be sent to the armies, squadrons, officers, subjects and citizens of the two Powers to cease from all hostilities. And to prevent all causes of complaint which might arise on account of the prizes which may be taken at sea after the said ratifications of this treaty, it is reciprocally agreed that all vessels and effects which may be taken after the space of twelve days from the said ratifications, upon all parts of the coast of North America, from the latitude of twenty-three degrees north to the latitude of fifty degrees north, and as far eastward in the Atlantic Ocean as the thirty-sixth degree of west longitude from the meridian of Greenwich, shall be restored on each side: that the time shall be thirty days in all other parts of the Atlantic Ocean, north of the equinoctial line or equator, and the same time for the British and Irish Channels, for the Gulf of Mexico, and all parts of the West Indies; forty days for the North Seas, for the Baltic, and for all parts of the Mediterranean; sixty days for the Atlantic Ocean south of the equator, as far as the latitude of the Cape of Good Hope; ninety days for every other part of the world south of the equator; and one hundred and twenty days for all other parts of the world, without exception.

Orders to be sent to cease hostilities.

Limitation of time of capture.

ARTICLE III.

All prisoners of war taken on either side, as well by land as by sea, shall be restored as soon as practicable after the ratifications of this treaty, as hereinafter mentioned, on their paying the debts which they may have contracted during their captivity. The two contracting parties respectively engage to discharge, in specie, the advances which may have been made by the other for the sustenance and maintenance of such prisoners.

Prisoners of war.

ARTICLE IV.

Whereas it was stipulated by the second article in the treaty of peace of one thousand seven hundred and eighty-three, between His Britannic Majesty and the United States of America, that the boundary of the United States should comprehend all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries, between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the Bay of

Boundary established by the treaty of 1783.

Fundy and the Atlantic Ocean, excepting such islands as now are, or heretofore have been, within the limits of Nova Scotia; and whereas the several islands in the Bay of Passamaquoddy, which is part of the Bay of Fundy, and the Island of Grand Menan, in the said Bay of Fundy, are claimed by the United States as being comprehended within their aforesaid boundaries, which said islands are claimed as belonging to His Britannic Majesty, as having been, at the time of and previous to the aforesaid treaty of one thousand seven hundred and eighty-three, within the limits of the Province of Nova Scotia: In order, therefore, finally to decide upon these claims, it is agreed that they shall be referred to two Commissioners to be appointed in the following manner, viz: One Commissioner shall be appointed by His Britannic Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof; and the said two Commissioners so appointed shall be sworn impartially to examine and decide upon the said claims according to such evidence as shall be laid before them on the part of His Britannic Majesty and of the United States respectively. The said Commissioners shall meet at St. Andrews, in the Province of New Brunswick, and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners shall, by a declaration or report, under their hands and seals, decide to which of the two contracting parties the several islands aforesaid do respectively belong, in conformity with the true intent of the said treaty of peace of one thousand seven hundred and eighty-three. And if the said Commissioners shall agree in their decision, both parties shall consider such decision as final and conclusive. It is further agreed that, in the event of the two Commissioners differing upon all or any of the matters so referred to them, or in the event of both or either of the said Commissioners refusing, or declining, or wilfully omitting to act as such, they shall make, jointly or separately, a report or reports, as well to the Government of His Britannic Majesty as to that of the United States, stating in detail the points on which they differ, and the grounds upon which their respective opinions have been formed, or the grounds upon which they, or either of them, have so refused, declined, or omitted to act. And His Britannic Majesty and the Government of the United States hereby agree to refer the report or reports of the said Commissioners to some friendly sovereign or State, to be then named for that purpose, and who shall be requested to decide on the differences which may be stated in the said report or reports, or upon the report of one Commissioner, together with the grounds upon which the other Commissioner shall have refused, declined, or omitted to act, as the case may be. And if the Commissioner so refusing, declining, or omitting to act, shall also wilfully omit to state the grounds upon which he has so done, in such manner that the said statement may be referred to such friendly sovereign or State, together with the report of such other Commissioner, then such sovereign or State shall decide ex parte upon the said report alone. And His Britannic Majesty and the Government of the United States engage to consider the decision of such friendly sovereign or State to be final and conclusive on all the matters so referred.

Appointment of Commissioners.

Meeting of the Commissioners.

In cases of disagreement of Commissioners.

Reference to a friendly Power.

ARTICLE V.

Whereas neither that point of the highlands lying due north from the source of the river St. Croix, and designated in the former treaty of peace between the two Powers as the northwest

Commissioners to settle boundaries.

angle of Nova Scotia, nor the northwesternmost head of Connecticut River, has yet been ascertained; and whereas that part of the boundary line between the dominions of the two Powers which extends from the source of the river St. Croix directly north to the abovementioned northwest angle of Nova Scotia, thence along the said highlands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean to the northwesternmost head of Connecticut River, thence down along the middle of that river to the forty-fifth degree of north latitude; thence by a line due west on said latitude until it strikes the river Iroquois or Cataraquy, has not yet been surveyed: it is agreed that for these several purposes two Commissioners shall be appointed, sworn, and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding article, unless otherwise specified in the present article. The said Commissioners shall meet at St. Andrews, in the Province of New Brunswick, and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners shall have power to ascertain and determine the points above mentioned, in conformity with the provisions of the said treaty of peace of one thousand seven hundred and eighty-three, and shall cause the boundary aforesaid, from the source of the river St. Croix to the river Iroquois or Cataraquy, to be surveyed and marked according to the said provisions. The said Commissioners shall make a map of the said boundary, and annex to it a declaration under their hands and seals, certifying it to be the true map of the said boundary, and particularizing the latitude and longitude of the northwest angle of Nova Scotia, of the northwesternmost head of Connecticut River, and of such other points of the said boundary as they may deem proper. And both parties agree to consider such map and declaration as finally and conclusively fixing the said boundary. And in the event of the said two Commissioners differing, or both or either of them refusing, declining, or wilfully omitting to act, such reports, declarations, or statements shall be made by them, or either of them, and such reference to a friendly sovereign or State shall be made in all respects as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

Meeting and proceedings of commissioners.

Case of difference.

Article VI.

Whereas by the former treaty of peace that portion of the boundary of the United States from the point where the forty-fifth degree of north latitude strikes the river Iroquois or Cataraquy to the Lake Superior, was declared to be "along the middle of said river into Lake Ontario, through the middle of said lake, until it strikes the communication by water between that lake and Lake Erie, thence along the middle of said communication into Lake Erie, through the middle of said lake until it arrives at the water communication into the Lake Huron, thence through the middle of said lake to the water communication between that lake and Lake Superior;" and whereas doubts have arisen what was the middle of the said river, lakes, and water communications, and whether certain islands lying in the same were within the dominions of His Britannic Majesty or of the United States: In order, therefore, finally to decide these doubts, they shall be referred to two Commissioners, to be appointed, sworn, and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding article, unless otherwise specified in this present

Doubts as to the boundary from a point in the forty-fifth degree of north latitude.

Meeting and duties of the Commissioners.

article. The said Commissioners shall meet, in the first instance, at Albany, in the State of New York, and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners shall, by a report or declaration, under their hands and seals, designate the boundary through the said river, lakes, and water communications, and decide to which of the two contracting parties the several islands lying within the said rivers, lakes, and water communications, do respectively belong, in conformity with the true intent of the said treaty of one thousand seven hundred and eighty-three. And both parties agree to consider such designation and decision as final and conclusive. And in the event of the said two Commissioners differing, or both or either of them refusing, declining, or wilfully omitting to act, such reports, declarations, or statements shall be made by them, or either of them, and such reference to a friendly sovereign or State shall be made in all respects as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

Case of disagreement.

ARTICLE VII.

Commissioners to fix the boundary to the water communication between the Lakes Huron and Superior, and the Lake of the Woods.

It is further agreed that the said two last-mentioned Commissioners, after they shall have executed the duties assigned to them in the preceding article, shall be, and they are hereby, authorized upon their oaths impartially to fix and determine, according to the true intent of the said treaty of peace of one thousand seven hundred and eighty-three, that part of the boundary between the dominions of the two Powers which extends from the water communication between Lake Huron and Lake Superior, to the most northwestern point of the Lake of the Woods, to decide to which of the two parties the several islands lying in the lakes, water communications, and rivers, forming the said boundary, do respectively belong, in conformity with the true intent of the said treaty of peace of one thousand seven hundred and eighty-three; and to cause such parts of the said boundary as require it to be surveyed and marked. The said Commissioners shall, by a report or declaration under their hands and seals, designate the boundary aforesaid, state their decision on the points thus referred to them, and particularize the latitude and longitude of the most northwestern point of the Lake of the Woods, and of such other parts of the said boundary as they may deem proper. And both parties agree to consider such designation and decision as final and conclusive. And in the event of the said two Commissioners differing, or both or either of them refusing, declining, or wilfully omitting to act, such reports, declarations, or statements shall be made by them, or either of them, and such reference to a friendly sovereign or State shall be made in all respects as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

Case of disagreement.

ARTICLE VIII.

The board of Commissioners may appoint a secretary, and employ surveyors.

The several boards of two Commissioners mentioned in the four preceding articles shall respectively have power to appoint a secretary, and to employ such surveyors or other persons as they shall judge necessary. Duplicates of all their respective reports, declarations, statements, and decisions, and of their accounts, and of the journal of their proceedings, shall be deliv-

ered by them to the agents of His Britannic Majesty and to the agents of the United States, who may be respectively appointed and authorized to manage the business on behalf of their respective Governments. The said Commissioners shall be respectively paid in such manner as shall be agreed between the two contracting parties, such agreement being to be settled at the time of the exchange of the ratifications of this treaty. And all other expenses attending the said commissions shall be defrayed equally by the two parties. And in the case of death, sickness, resignation, or necessary absence, the place of every such Commissioner, respectively, shall be supplied in the same manner as such Commissioner was first appointed, and the new Commissioner shall take the same oath or affirmation, and do the same duties.

Compensation.

It is further agreed between the two contracting parties, that in case any of the islands mentioned in any of the preceding articles, which were in the possession of one of the parties prior to the commencement of the present war between the two countries, should, by the decision of any of the boards of Commissioners aforesaid, or of the sovereign or State so referred to, as in the four next preceding articles contained, fall within the dominions of the other party, all grants of land made previous to the commencement of the war, by the party having had such possession, shall be as valid as if such island or islands had, by such decision or decisions, been adjudged to be within the dominions of the party having had such possession.

Grants of land prior to the commencement of the war.

Article IX.

The United States of America engage to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom they may be at war at the time of such ratification; and forthwith to restore to such tribes or nations, respectively, all the possessions, rights, and privileges which they may have enjoyed or been entitled to in one thousand eight hundred and eleven, previous to such hostilities: Provided always that such tribes or nations shall agree to desist from all hostilities against the United States of America, their citizens and subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly. And His Britannic Majesty engages, on his part, to put an end immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom he may be at war at the time of such ratification, and forthwith to restore to such tribes or nations respectively all the possessions, rights, and privileges which they may have enjoyed or been entitled to in one thousand eight hundred and eleven, previous to such hostilities: Provided always that such tribes or nations shall agree to desist from all hostilities against His Britannic Majesty, and his subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.

Ratification of the Indian treaty.

Article X.

Whereas the traffic in slaves is irreconcileable with the principles of humanity and justice, and whereas both His Majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed that both the contracting parties shall use their best endeavours to accomplish so desirable an object.

Abolition of the slave trade.

ARTICLE XI.

This treaty, when the same shall have been ratified on both sides, without alteration by either of the contracting parties, and the ratifications mutually exchanged, shall be binding on both parties, and the ratifications shall be exchanged at Washington, in the space of four months from this day, or sooner if practicable.

This treaty to be binding when ratifications exchanged.

In faith whereof we, the respective Plenipotentiaries, have signed this treaty, and have thereunto affixed our seals.

Done, in triplicate, at Ghent, the twenty-fourth day of December, one thousand eight hundred and fourteen.

GAMBIER. [L. S.]
HENRY GOULBURN. [L. S.]
WILLIAM ADAMS. [L. S.]
JOHN QUINCY ADAMS. [L. S.]
J. A. BAYARD. [L. S.]
H. CLAY. [L. S.]
JONA. RUSSELL. [L. S.]
ALBERT GALLATIN. [L. S.]

GREAT BRITAIN, 1815.

A CONVENTION TO REGULATE THE COMMERCE BETWEEN THE TERRITORIES OF THE UNITED STATES AND OF HIS BRITANNICK MAJESTY. CONCLUDED JULY 3, 1815; RATIFICATIONS EXCHANGED DECEMBER 22, 1815.

The United States of America and His Britannick Majesty being desirous, by a convention, to regulate the commerce and navigation between their respective countries, territories, and people, in such a manner as to render the same reciprocally beneficial and satisfactory, have respectively named Plenipotentiaries, and given them full powers to treat of and conclude such convention, that is to say:

The President of the United States, by and with the advice and consent of the Senate thereof, hath appointed for their Plenipotentiaries John Quincy Adams, Henry Clay, and Albert Gallatin, citizens of the United States; and His Royal Highness the Prince Regent, acting in the name and on the behalf of His Majesty, has named for his Plenipotentiaries the Right Honourable Frederick John Robinson, Vice-President of the Committee of Privy Council for Trade and Plantations, Joint Paymaster of His Majesty's Forces, and a member of the Imperial Parliament, Henry Goulbourn, Esquire, a member of the Imperial Parliament, and Under Secretary of State, and William Adams, Esquire, Doctor of Civil Laws;

And the said Plenipotentiaries, having mutually produced and shown their said full powers, and exchanged copies of the same, have agreed on and concluded the following articles, videlicet:

ARTICLE I.

There shall be between the territories of the United States of America, and all the territories of His Britannick Majesty in Europe, a reciprocal liberty of commerce. The inhabitants of the two countries, respectively, shall have liberty freely and securely

Reciprocal liberty of commerce.

to come with their ships and cargoes to all such places, ports, and rivers, in the territories aforesaid, to which other foreigners are permitted to come, to enter into the same, and to remain and reside in any parts of the said territories, respectively; also to hire and occupy houses and warehouses for the purposes of their commerce; and, generally, the merchants and traders of each nation respectively shall enjoy the most complete protection and security for their commerce, but subject always to the laws and statutes of the two countries, respectively.

ARTICLE II.

Duties on productions of each country.

No higher or other duties shall be imposed on the importation into the United States of any articles the growth, produce, or manufacture of His Britannick Majesty's territories in Europe, and no higher or other duties shall be imposed on the importation into the territories of His Britannick Majesty in Europe of any articles the growth, produce, or manufacture of the United States, than are or shall be payable on the like articles being the growth, produce, or manufacture of any other foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries, on the exportation of any articles to the United States, or to His Britannick Majesty's territories in Europe, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles the growth, produce, or manufacture of the United States, or of His Britannick Majesty's territories in Europe, to or from the said territories of His Britannick Majesty in Europe, or to or from the said United States, which shall not equally extend to all other nations.

Equality of duties.

No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States; nor in the ports of any of His Britannick Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

Duties on productions.

The same duties shall be paid on the importation into the United States of any articles the growth, produce, or manufacture of His Britannick Majesty's territories in Europe, whether such importation shall be in vessels of the United States or in British vessels, and the same duties shall be paid on the importation into the ports of any of His Britannick Majesty's territories in Europe, of any article the growth, produce, or manufacture of the United States, whether such importation shall be in British vessels or in vessels of the United States.

Equality of duties, &c.

The same duties shall be paid, and the same bounties allowed, on the exportation of any articles the growth, produce, or manufacture of His Britannick Majesty's territories in Europe to the United States, whether such exportation shall be in vessels of the United States or in British vessels; and the same duties shall be paid, and the same bounties allowed, on the exportation of any articles the growth, produce, or manufacture of the United States, to His Britannick Majesty's territories in Europe, whether such exportation shall be in British vessels or in vessels of the United States.

Drawbacks the same.

It is further agreed that in all cases where drawbacks are or may be allowed upon the re-exportation of any goods the growth, produce, or manufacture of either country, respectively, the amount of the said drawbacks shall be the same, whether the

said goods shall have been originally imported in a British or an American vessel; but when such re-exportation shall take place from the United States in a British vessel, or from the territories of His Britannick Majesty in Europe in an American vessel, to any other foreign nation, the two contracting parties reserve to themselves, respectively, the right of regulating or diminishing, in such case, the amount of the said drawback.

Intercourse with the British West Indies and North American continental possessions.

The intercourse between the United States and His Britannick Majesty's possessions in the West Indies, and on the continent of North America, shall not be affected by any of the provisions of this article, but each party shall remain in the complete possession of its rights, with respect to such an intercourse.

ARTICLE III.

Trade with Calcutta, &c., direct.

His Britannick Majesty agrees that the vessels of the United States of America shall be admitted and hospitably received at the principal settlements of the British dominions in the East Indies, videlicet: Calcutta, Madras, Bombay, and Prince of Wales' Island; and that the citizens of the said United States may freely carry on trade between the said principal settlements and the said United States, in all articles of which the importation and exportation, respectively, to and from the said territories, shall not be entirely prohibited; provided only, that it shall not be lawful for them, in any time of war between the British Government and any State or Power whatever, to export from the said territories, without the special permission of the British Government, any military stores, or naval stores, or rice. The citizens of the United States shall pay for their vessels, when admitted, no higher or other duty or charge than shall be payable on the vessels of the most favor'd European nations, and they shall pay no higher or other duties or charges on the importation or exportation of the cargoes of the said vessels than shall be payable on the same articles when imported or exported in the vessels of the most favored European nations.

Articles must be conveyed direct to United States and be unladen.

But it is expressly agreed that the vessels of the United States shall not carry any articles from the said principal settlements to any port or place, except to some port or place in the United States of America, where the same shall be unladen.

Coasting trade in the British East Indies.

It is also understood that the permission granted by this article is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories; but the vessels of the United States having, in the first instance, proceeded to one of the said principal settlements of the British dominions in the East Indies, and then going with their original cargoes, or part thereof, from one of the said principal settlements to another, shall not be considered as carrying on the coasting trade.

American vessels may touch for refreshment, &c.

The vessels of the United States may also touch for refreshment, but not for commerce, in the course of their voyage to or from the British territories in India, or to or from the dominions of the Emperor of China, at the Cape of Good Hope, the island of St. Helena,(a) or such other places as may be in the possession of Great Britain, in the African or Indian seas; it being well understood that in all that regards this article the citizens of the United States shall be subject, in all respects, to the laws and regulations of the British Government from time to time established.

(a) "Declaration" at the end of this convention.

ARTICLE IV.

It shall be free for each of the two contracting parties, respectively, to appoint Consuls for the protection of trade, to reside in the dominions and territories of the other party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and it is hereby declared that, in case of illegal or improper conduct towards the laws or Government of the country to which he is sent, such Consul may either be punished according to law, if the laws will reach the case, or be sent back, the offended Government assigning to the other the reasons for the same.

Consuls.

How they may be punished.

It is hereby declared that either of the contracting parties may except from the residence of Consuls such particular places as such party shall judge fit to be so excepted.

Particular places excepted from the residence of Consuls.

ARTICLE V.

This convention, when the same shall have been duly ratified by the President of the United States, by and with the advice and consent of their Senate, and by His Britannick Majesty, and the respective ratifications mutually exchanged, shall be binding and obligatory on the said United States and His Majesty for four years from the date of its signature;(a) and the ratifications shall be exchanged in six months from this time, or sooner if possible.

This convention to be obligatory for four years.

Exchange of ratifications.

Done at London this third day of July, in the year of our Lord one thousand eight hundred and fifteen.

JOHN QUINCY ADAMS.
H. CLAY.
ALBERT GALLATIN.
FREDERICK JOHN ROBINSON.
HENRY GOULBURN.
WILLIAM ADAMS.

DECLARATION.

The undersigned, His Britannick Majesty's Chargé d'Affaires in the United States of America, is commanded by His Royal Highness the Prince Regent, acting in the name and on the behalf of His Majesty, to explain and declare, upon the exchange of the ratifications of the convention concluded at London on the third of July of the present year, for regulating the commerce and navigation between the two countries, that, in consequence of events which have happened in Europe subsequent to the signature of the convention aforesaid, it has been deemed expedient, and determined, in conjunction with the allied sovereigns, that St. Helena shall be the place allotted for the future residence of General Napoleon Bonaparte, under such regulations as may be necessary for the perfect security of his person; and it has been resolved, for that purpose, that all ships and vessels whatever, as well British ships and vessels as others, excepting only ships belonging to the East India Company, shall be excluded from all communication with, or approach to, that island.

Declaration of 24th Nov., 1815.

All vessels, except those of the East India Company, excluded from approaching the island.

(a) Continued for ten years by the fourth article of the convention of London of 20th October, 1818.

It has therefore become impossible to comply with so much of the third article of the treaty as relates to the liberty of touching for refreshment at the island of St. Helena, and the ratifications of the said treaty will be exchanged under the explicit declaration and understanding that the vessels of the United States cannot be allowed to touch at, or hold any communication whatever with, the said island, so long as the said island shall continue to be the place of residence of the said Napoleon Bonaparte.(*a*)

ANTHONY ST. JNO. BAKER.

WASHINGTON, *November* 24, 1815.

ARRANGEMENT BETWEEN THE UNITED STATES AND GREAT BRITAIN, MADE BY RICHARD RUSH, ESQ., ACTING AS SECRETARY OF THE DEPARTMENT OF STATE, AND CHARLES BAGOT, HIS BRITANNIC MAJESTY'S ENVOY EXTRAORDINARY, &c. CONCLUDED APRIL 28, 1817.

Proclamation of the President of the United States, April 28, 1818.

The naval force to be maintained upon the American lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side; that is—

On Lake Ontario, to one vessel not exceeding one hundred tons burthen, and armed with one eighteen-pound cannon.

On the upper lakes, to two vessels, not exceeding like burthen each, and armed with like force.

On the waters of Lake Champlain, to one vessel not exceeding like burthen, and armed with like force.

Naval force on the lakes.

All other armed vessels on these lakes shall be forthwith dismantled, and no other vessels of war shall be there built or armed.

Stipulation may cease on six months' notice.

If either party should hereafter be desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

Naval force.

The naval force so to be limited shall be restricted to such services as will, in no respect, interfere with the proper duties of the armed vessels of the other party.

DECLARATION OF THE COMMISSIONERS UNDER THE FOURTH ARTICLE OF THE TREATY OF GHENT. NOVEMBER 24, 1817.

NEW YORK, *November* 24, 1817.

Declaration of the Commissioners accompanying their decision.

SIR: The undersigned Commissioners, appointed by virtue of the fourth article of the treaty of Ghent, have attended to the duties assigned them; and have decided that Moose Island, Dudley Island, and Frederick Island, in the Bay of Passamaquoddy, which is part of the Bay of Fundy, do each of them belong to the United States of America; and that all the other islands in the Bay of Passamaquoddy, and the Island of Grand Menan, in the Bay of Fundy, do each of them belong to His Britannic Majesty, in conformity with the true intent of the second article of the treaty of peace of one thousand seven hundred and eighty-three. The Commissioners have the honor to enclose herewith their decision.

(*a*) In consequence of the death of Napoleon Bonaparte, the British Government notified the Minister of the United States at London of the cessation of this restriction, on the 30th July, 1821.

In making this decision it became necessary that each of the Commissioners should yield a part of his individual opinion. Several reasons induced them to adopt this measure; one of which was the impression and belief that the navigable waters of the Bay of Passamaquoddy, which, by the treaty of Ghent, is said to be part of the Bay of Fundy, are common to both parties for the purpose of all lawful and direct communication with their own territories and foreign ports.

The undersigned have the honor to be, with perfect respect, sir, your obedient and humble servants,

J. HOLMES.
THO. BARCLAY.

The Hon. JOHN QUINCY ADAMS,
Secretary of State.

DECISION OF THE COMMISSIONERS UNDER THE FOURTH ARTICLE OF THE TREATY OF GHENT. NOVEMBER 24, 1817.

Decision of the commissioners under the 4th article of the treaty of Ghent. New York, November 24, 1814.

By Thomas Barclay and John Holmes, Esquires, Commissioners, appointed by virtue of the fourth article of the treaty of peace and amity between His Britannic Majesty and the United States of America, concluded at Ghent on the twenty-fourth day of December, one thousand eight hundred and fourteen, to decide to which of the two contracting parties to the said treaty the several islands in the Bay of Passamaquoddy, which is part of the Bay of Fundy, and the Island of Grand Menan, in the said Bay of Fundy, do respectively belong, in conformity with the true intent of the second article of the treaty of peace of one thousand seven hundred and eighty-three, between his said Britannic Majesty and the aforesaid United States of America.

Moose Island, &c.

Other islands.

We, the said Thomas Barclay and John Holmes, Commissioners as aforesaid, having been duly sworn impartially to examine and decide upon the said claims according to such evidence as should be laid before us on the part of His Britannic Majesty and the United States, respectively, have decided, and do decide, that Moose Island, Dudley Island, and Frederick Island, in the Bay of Passamaquoddy, which is part of the Bay of Fundy, do, and each of them does, belong to the United States of America; and we have also decided, and do decide, that all the other islands, and each and every of them, in the said Bay of Passamaquoddy, which is part of the Bay of Fundy, and the Island of Grand Menan, in the said Bay of Fundy, do belong to his said Britannic Majesty, in conformity with the true intent of the said second article of said treaty of one thousand seven hundred and eighty-three.

In faith and testimony whereof we have set our hands and affixed our seals, at the city of New York, in the State of New York, in the United States of America, this twenty-fourth day of November, in the year of our Lord one thousand eight hundred and seventeen.

JOHN HOLMES, [L. S.]
THO. BARCLAY. [L. S.]

Witness:
JAMES T. AUSTIN, *Agt. U. S. A.*
ANTH: BARCLAY, *Sec'y.*

GREAT BRITAIN, 1818.

CONVENTION WITH GREAT BRITAIN. CONCLUDED OCTOBER 20, 1818; RATIFICATIONS EXCHANGED JANUARY 30, 1819.

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, desirous to cement the good understanding which happily subsists between them, have, for that purpose, named their respective Plenipotentiaries, that is to say:

The President of the United States, on his part, has appointed Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary to the Court of France, and Richard Rush, their Envoy Extraordinary and Minister Plenipotentiary to the Court of His Britannic Majesty; and His Majesty has appointed the Right Honorable Frederick John Robinson, Treasurer of His Majesty's Navy and President of the Committee of Privy Council for Trade and Plantations, and Henry Goulburn, Esq., one of His Majesty's Under Secretaries of State;

Who, after having exchanged their respective full powers, found to be in due and proper form, have agreed to and concluded the following articles:

Full powers exchanged.

ARTICLE I.

Whereas differences have arisen respecting the liberty claimed by the United States, for the inhabitants thereof, to take, dry, and cure fish on certain coasts, bays, harbours, and creeks of His Britannic Majesty's dominions in America, it is agreed between the high contracting parties that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland; from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks, from Mount Joly, on the southern coast of Labrador, to and through the Streights of Belleisle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company: And that the American fishermen shall also have liberty forever to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland, hereabove described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's dominions in America not included within the abovementioned limits: Provided, however, that the American fishermen shall be admitted to enter such bays or harbours for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be neces-

Definition of the extent of the common right of fishing.

Hudson Bay Company.

Renunciation by the United States as to certain other fisheries.

sary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

ARTICLE II.

Definition of the northern boundary of the United States from the Lake of the Woods to the Stony Mountains.

It is agreed that a line drawn from the most northwestern point of the Lake of the Woods along the forty-ninth parallel of north latitude, or if the said point shall not be in the forty-ninth parallel of north latitude, then that a line drawn from the said point due north or south, as the case may be, until the said line shall intersect the said parallel of north latitude, and from the point of such intersection due west along and with the said parallel, shall be the line of demarcation between the territories of the United States and those of His Britannic Majesty, and that the said line shall form the northern boundary of the said territories of the United States, and the southern boundary of the territories of His Britannic Majesty, from the Lake of the Woods to the Stony Mountains.

ARTICLE III.

Country claimed by either party westward of the Stony Mountains.

It is agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbours, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of the present convention to the vessels, citizens, and subjects of the two Powers; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other Power or State to any part of the said country; the only object of the high contracting parties, in that respect, being to prevent disputes and differences amongst themselves.

ARTICLE IV.

Convention of London of 3d July, 1815, continued for ten years.

All the provisions of the convention "to regulate the commerce between the territories of the United States and of His Britannic Majesty," concluded at London on the third day of July, in the year of our Lord one thousand eight hundred and fifteen, with the exception of the clause which limited its duration to four years, and excepting, also, so far as the same was affected by the declaration of His Majesty respecting the island of St. Helena, are hereby extended and continued in force for the term of ten years from the date of the signature of the present convention, in the same manner as if all the provisions of the said convention were herein specially recited.

ARTICLE V.

Reference to 1st article of treaty of Ghent.

Whereas it was agreed by the first article of the treaty of Ghent that "all territory, places, and possessions whatsoever taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property originally captured in the said forts or places,

which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves, or other private property;" and whereas under the aforesaid article the United States claim for their citizens, and as their private property, the restitution of or full compensation for all slaves who, at the date of the exchange of the ratifications of the said treaty, were in any territory, places, or possessions whatsoever, directed by the said treaty to be restored to the United States, but then still occupied by the British forces, whether such slaves were, at the date aforesaid, on shore, or on board any British vessel lying in waters within the territory or jurisdiction of the United States; and whereas differences have arisen whether, by the true intent and meaning of the aforesaid article of the treaty of Ghent, the United States are entitled to the restitution of or full compensation for all or any slaves, as above described, the high contracting parties hereby agree to refer the said differences to some friendly sovereign or State, to be named for that purpose; and the high contracting parties further engage to consider the decision of such friendly sovereign or State to be final and conclusive on all the matters referred.

Claim for slaves under the 1st article of the treaty of Ghent.

Differences growing out of the claim for slaves.

ARTICLE VI.

This convention, when the same shall have been duly ratified by the President of the United States, by and with the advice and consent of their Senate, and by His Britannic Majesty and the respective ratifications mutually exchanged, shall be binding and obligatory on the said United States and on His Majesty; and the ratifications shall be exchanged in six months from this date, or sooner if possible.

This convention obligatory on exchange of ratifications.

In witness whereof the respective Plenipotentiaries have signed the same, and have thereunto affixed the seal of their arms.

Done at London this twentieth day of October, in the year of our Lord one thousand eight hundred and eighteen.

ALBERT GALLATIN. [L. S.]
RICHARD RUSH. [L. S.]
FREDERICK JOHN ROBINSON. [L. S.]
HENRY GOULBURN. [L. S.]

DECISION OF THE COMMISSIONERS UNDER THE SIXTH ARTICLE OF THE TREATY OF GHENT. DONE AT UTICA, IN THE STATE OF NEW YORK, 18TH JUNE, 1822.

The undersigned Commissioners, appointed, sworn, and authorized, in virtue of the sixth article of the treaty of peace and amity between His Britannic Majesty and the United States of America, concluded at Ghent, on the twenty-fourth day of December, in the year of our Lord one thousand eight hundred and fourteen, impartially to examine, and, by a report or declaration, under their hands and seals, to designate "that portion of the boundary of the United States from the point where the 45th degree of north latitude strikes the river Iroquois or Cataraqua, along the middle of said river into Lake Ontario, through the middle of said lake until it strikes the communication, by water, between that lake and Lake Erie; thence, along the middle of said communication, into Lake Erie, through the middle of said lake, until it arrives at the water communication into Lake Huron; thence,

Boundary of United States.

through the middle of said water communication, into Lake Huron; thence, through the middle of said lake, to the water communication between that lake and Lake Superior;" and to "decide to which of the two contracting parties the several islands, lying within the said rivers, lakes, and water communications, do respectively belong, in conformity with the true intent of the treaty of 1783:" Do decide and declare, that the following described line, (which is more clearly indicated on a series of maps accompanying this report, exhibiting correct surveys and delineations of all the rivers, lakes, water communications, and islands, embraced by the sixth article of the treaty of Ghent, by a black line shaded on the British side with red, and on the American side with blue; and each sheet of which series of maps is identified by a certificate, subscribed by the Commissioners, and by the two principal surveyors employed by them,) is the true boundary intended by the two before-mentioned treaties, that is to say:

Description of the boundary of the United States.

Beginning at a stone monument, erected by Andrew Ellicott, Esquire, in the year of our Lord one thousand eight hundred and seventeen, on the south bank, or shore, of the said river Iroquois or Cataraqua, (now called the St. Lawrence,) which monument bears south seventy-four degrees and forty-five minutes west, and is eighteen hundred and forty yards distant from the stone church in the Indian village of St. Regis, and indicates the point at which the forty-fifth parallel of north latitude strikes the said river; thence, running north thirty-five degrees and forty-five minutes west, into the river, on a line at right angles with the southern shore, to a point one hundred yards south of the opposite island, called Cornwall Island; thence, turning westerly, and passing around the southern and western sides of said island, keeping one hundred yards distant therefrom, and following the curvatures of its shores to a point opposite to the northwest corner, or angle, of said island; thence to and along the middle of the main river, until it approaches the eastern extremity of Barnhart's Island; thence northerly, along the channel which divides the last-mentioned island from the Canada shore, keeping one hundred yards distant from the island, until it approaches Sheik's Island; thence along the middle of the strait which divides Barnhart's and Sheik's islands, to the channel called the Long Sault, which separates the two last mentioned islands from the Lower Long Sault Island; thence westerly (crossing the centre of the last mentioned channel) until it approaches within one hundred yards of the north shore of the Lower Sault Island; thence up the north branch of the river, keeping to the north of, and near, the Lower Sault Island, and also north of, and near, the Upper Sault (sometimes called Baxter's) Island, and south of the two small islands, marked on the map A and B, to the western extremity of the Upper Sault, or Baxter's Island; thence passing between the two islands called the Cats, to the middle of the river above; thence along the middle of the river, keeping to the north of the small islands marked C and D; and north also of Chrystler's Island and of the small island next above it, marked E, until it approaches the northeast angle of Goose Neck Island; thence along the passage which divides the last-mentioned island from the Canada shore, keeping one hundred yards from the island, to the upper end of the same; thence south of, and near, the two small islands called the Nut Islands; thence north of, and near, the island marked F, and also of the island called Dry or Smuggler's Island; thence passing between the islands marked G and H, to the north of the island called Isle au Rapid Plat; thence along the north side of the last-mentioned island, keeping one

hundred yards from the shore to the upper end thereof; thence along the middle of the river, keeping to the south of, and near, the islands called Cousson (or Tussin) and Presque Isle; thence up the river, keeping north of, and near, the several Gallop Isles, numbered on the map 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, and also of Tick, Tibbet's, and Chimney Islands; and south of, and near, the Gallop Isles, numbered 11, 12, and 13, and also of Duck, Drummond, and Sheep Islands; thence along the middle of the river, passing north of island No. 14, south of 15, and 16, north of 17, south of 18, 19, 20, 21, 22, 23, 24, 25, and 28, and north of 26, and 27; thence along the middle of the river, north of Gull Island, and of the islands No. 29, 32, 33, 34, 35, Bluff Island, and No. 39, 44, and 45, and to the south of No. 30, 31, 36, Grenadier Island, and No. 37, 38, 40, 41, 42, 43, 46, 47, and 48, until it approaches the east end of Well's Island; thence to the north of Well's Island, and along the strait which divides it from Rowe's Island, keeping to the north of the small islands No. 51, 52, 54, 58, 59, and 61, and to the south of the small islands numbered and marked 49, 50, 53, 55, 57, 60, and X, until it approaches the northeast point of Grindstone Island; thence to the north of Grindstone Island, and keeping to the north also of the small islands, No. 63, 65, 67, 68, 70, 72, 73, 74, 75, 76, 77, and 78, and to the south of No. 62, 64, 66, 69, and 71, until it approaches the southern point of Hickory Island; thence passing to the south of Hickory Island, and of the two small islands lying near its southern extremity, numbered 79 and 80; thence to the south of Grand or Long Island, keeping near its southern shore, and passing to the north of Carlton Island, until it arrives opposite to the southwestern point of said Grand Island in Lake Ontario; thence passing to the north of Grenadier, Fox, Stony, and the Gallop Islands in Lake Ontario, and to the south of, and near, the islands called the Ducks, to the middle of the said lake; thence westerly, along the middle of said lake, to a point opposite the mouth of the Niagara River; thence to and up the middle of the said river to the Great Falls; thence up the Falls, through the point of the Horse Shoe, keeping to the west of Iris or Goat Island, and of the group of small islands at its head, and following the bends of the river so as to enter the strait between Navy and Grand Islands; thence along the middle of said strait to the head of Navy Island; thence to the west and south of, and near to, Grand and Beaver Islands, and to the west of Strawberry, Squaw, and Bird Islands, to Lake Erie; thence southerly and westerly, along the middle of Lake Erie, in a direction to enter the passage immediately south of Middle Island, being one of the easternmost of the group of islands lying in the western part of said lake; thence along the said passage, proceeding to the north of Cunningham's Island, of the three Bass Islands, and of the Western Sister, and to the south of the islands called the Hen and Chickens, and of the Eastern and Middle Sisters; thence to the middle of the mouth of the Detroit River, in a direction to enter the channel which divides Bois-Blanc and Sugar Islands; thence up the said channel to the west of Bois-Blanc Island, and to the east of Sugar, Fox, and Stony Islands, until it approaches Fighting or Great Turkey Island; thence along the western side, and near the shore of said last-mentioned island, to the middle of the river above the same; thence along the middle of said river, keeping to the southeast of, and near, Hog Island, and to the northwest of, and near, the island called Isle a la Pache, to Lake St. Clair; thence through the middle of said lake, in a direction to enter that mouth or channel of the river St. Clair, which is usually denominated the Old Ship Channel; thence along the middle of said channel, between Squirrel Island on the southeast, and Herson's Island on the northwest,

to the upper end of the last-mentioned island, which is nearly opposite to Point aux Chênes, on the American shore; thence along the middle of the river St. Clair, keeping to the west of, and near, the islands called Belle Riviere Isle, and Isle aux Cerfs, to Lake Huron; thence through the middle of Lake Huron, in a direction to enter the strait or passage between Drummond's Island on the west, and the Little Manitou Island on the east; thence through the middle of the passage which divides the two last-mentioned islands; thence turning northerly and westerly, around the eastern and northern shores of Drummond's Island, and proceeding in a direction to enter the passage between the Island of St. Joseph's and the American shore, passing to the north of the intermediate islands No. 61, 11, 10, 12, 9, 6, 4, and 2, and to the south of those numbered 15, 13, 5, and 1; thence up the said last-mentioned passage, keeping near to the island St. Joseph's, and passing to the north and east of Isle a la Crosse, and of the small islands numbered 16, 17, 18, 19, and 20, and to the south and west of those numbered 21, 22, and 23, until it strikes a line (drawn on the map with black ink and shaded on one side of the point of intersection with blue, and on the other with red,) passing across the river at the head of St. Joseph's Island, and at the foot of the Neebish Rapids, which line denotes the termination of the boundary directed to be run by the sixth article of the treaty of Ghent.

Islands.

And the said Commissioners do further decide and declare, that all the islands lying in the rivers, lakes, and water communications, between the before-described boundary-line and the adjacent shores of Upper Canada, do, and each of them does, belong to His Britannic Majesty, and that all the islands lying in the rivers, lakes, and water communications, between the said boundary-line and the adjacent shores of the United States, or their territories, do, and each of them does, belong to the United States of America, in conformity with the true intent of the second article of the said treaty of 1783, and of the sixth article of the treaty of Ghent.

In faith whereof we, the Commissioners aforesaid, have signed this declaration, and thereunto affixed our seals.

Done in quadruplicate at Utica, in the State of New York, in the United States of America, this eighteenth day of June, in the year of our Lord one thousand eight hundred and twenty-two.

PETER B. PORTER. [L. S.]
ANTH: BARCLAY. [L. S.]

GREAT BRITAIN, 1822.

TREATY WITH GREAT BRITAIN, CONCLUDED JULY 12, 1822; RATIFICATIONS EXCHANGED JANUARY 10, 1823; PROCLAIMED JANUARY 11, 1823.

In the name of the Most Holy and Indivisible Trinity.

The United States and Great Britain agree to refer certain differences to the Emperor of Russia.

The President of the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, having agreed, in pursuance of the fifth article of the convention concluded at London on the 20th day of October, 1818, to refer the differences which had arisen betwen the two Governments, upon the true construction and meaning of the first article of the treaty of peace and amity concluded at Ghent on the 24th day of December, 1814, to the friendly arbitration of His Majesty the

Emperor of all the Russias, mutually engaging to consider his decision as final and conclusive. And his said Imperial Majesty having, after due consideration, given his decision upon these differences in the following terms, to wit:

His Majesty's award.

"That the United States of America are entitled to claim from Great Britain a just indemnification for all private property which the British forces may have carried away; and, as the question relates to slaves more especially, for all the slaves that the British forces may have carried away from places and territories of which the treaty stipulates the restitution, in quitting these same places and territories.

United States entitled to indemnification for certain slaves.

"That the United States are entitled to consider as having been so carried away, all such slaves as may have been transferred from the above-mentioned territories to British vessels within the waters of the said territories, and who for this reason may not have been restored.

"But that if there should be any American slaves who were carried away from territories of which the first article of the treaty of Ghent has not stipulated the restitution to the United States, the United States are not entitled to claim an indemnification for the said slaves."

No indemnification for certain slaves.

Now, for the purpose of carrying into effect this award of His Imperial Majesty, as arbitrator, his good offices have been farther invoked to assist in framing such convention or articles of agreement between the United States of America and His Britannic Majesty as shall provide the mode of ascertaining and determining the value of slaves and of other private property, which may have been carried away in contravention of the treaty of Ghent, and for which indemnification is to be made to the citizens of the United States, in virtue of His Imperial Majesty's said award, and shall secure compensation to the sufferers for their losses, so ascertained and determined. And His Imperial Majesty has consented to lend his mediation for the above purpose, and has constituted and appointed Charles Robert Count Nesselrode, His Imperial Majesty's Privy Councellor, member of the Council of State, Secretary of State directing the Imperial Department of Foreign Affairs, Chamberlain, Knight of the Order of St. Alexander Nevsky, Grand Cross of the Order of St. Vladimir of the first class, Knight of that of the White Eagle of Poland, Grand Cross of the Order of St. Stephen of Hungary, of the Black and of the Red Eagle of Prussia, of the Legion of Honor of France, of Charles III of Spain, of St. Ferdinand and of Merit of Naples, of the Annunciation of Sardinia, of the Polar Star of Sweden, of the Elephant of Denmark, of the Golden Eagle of Wirtemberg, of Fidelity of Baden, of St. Constantine of Parma, and of Guelph of Hannovre; and John Count Capodistrias, His Imperial Majesty's Privy Counsellor, and Secretary of State, Knight of the Order of St. Alexander Nevsky, Grand Cross of the Order of St. Vladimir of the first class, Knight of that of the White Eagle of Poland, Grand Cross of the Order of St. Stephen of Hungary, of the Black and of the Red Eagle of Prussia, of the Legion of Honour of France, of Charles III of Spain, of St. Ferdinand and of Merit of Naples, of St. Maurice and of St. Lazarus of Sardinia, of the Elephant of Denmark, of Fidelity and of the Lion of Zahringen of Baden, Burgher of the Canton of Vaud, and also of the Canton and of the Republic of Geneva, as his Plenipotentiaries to treat, adjust, and conclude such articles of agreement as may tend to the attainment of the above-mentioned end, with the Plenipotentiaries of the United States and of His Britannic Majesty, that is to say:

Russian Plenipotentiaries.

On the part of the President of the United States, with the advice and consent of the Senate thereof, Henry Middleton, a citizen of the said United States, and their Envoy Extraordinary and Minister Plenipotentiary to His Majesty the Emperor of all the Russias; and on the part of His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honorable Sir Charles Bagot, one of His Majesty's most Honorable Privy Council, Knight Grand Cross of the most honorable Order of the Bath, and His Majesty's Ambassador Extraordinary and Plenipotentiary to His Majesty the Emperor of all the Russias;

Plenipotentiary of the United States.

Plenipotentiary of Great Britain.

And the said Plenipotentiaries, after a reciprocal communication of their respective full powers, found in good and due form, have agreed upon the following articles:

Full powers.

ARTICLE I.

For the purpose of ascertaining and determining the amount of indemnification which may be due to citizens of the United States under the decision of His Imperial Majesty, two Commissioners and two Arbitrators shall be appointed in the manner following, that is to say: One Commissioner and one Arbitrator shall be nominated and appointed by the President of the United States of America, by and with the advice and consent of the Senate thereof; and one Commissioner and one Arbitrator shall be appointed by His Britannic Majesty. And the two Commissioners and two Arbitrators, thus appointed, shall meet and hold their sittings as a board in the city of Washington. They shall have power to appoint a secretary, and before proceeding to the other business of the commission, they shall, respectively, take the following oath (or affirmation) in the presence of each other; which oath or affirmation, being so taken, and duly attested, shall be entered on the record of their proceedings, that is to say: "I, A. B., one of the Commissioners (or Arbitrators, as the case may be) appointed in pursuance of the convention concluded at St. Petersburg on the 30th/12th day of June/July, one thousand eight hundred and twenty-two, between His Majesty the Emperor of all the Russias, the United States of America, and His Britannic Majesty, do solemnly swear (or affirm) that I will diligently, impartially, and carefully examine, and, to the best of my judgment, according to justice and equity, decide all matters submitted to me as Commissioner (or Arbitrator, as the case may be) under the said convention."

Arbitrators and Commissioners to be appointed.

Oath or affirmation.

All vacancies occurring by death or otherwise shall be filled up in the manner of the original appointment, and the new Commissioners or Arbitrators shall take the same oath or affirmation, and perform the same duties.

Vacancies.

ARTICLE II.

If, at the first meeting of this board, the Governments of the United States and of Great Britain shall not have agreed upon an average value, to be allowed as compensation for each slave for whom indemnification may be due; then, and in that case, the Commissioners and Arbitrators shall conjointly proceed to examine the testimony which shall be produced under the authority of the President of the United States, together with such other competent testimony as they may see cause to require or allow, going to prove the true value of

Average value.

slaves at the period of the exchange of the ratifications of the treaty of Ghent; and, upon the evidence so obtained, they shall agree upon and fix the average value. But in case that the majority of the board of Commissioners and Arbitrators should not be able to agree respecting such average value, then, and in that case, recourse shall be had to the arbitration of the Minister or other Agent of the mediating Power accredited to the Government of the United States. A statement of the evidence produced, and of the proceedings of the board thereupon, shall be communicated to the said Minister or Agent, and his decision, founded upon such evidence and proceedings, shall be final and conclusive. And the said average value, when fixed and determined by either of the three before-mentioned methods, shall, in all cases, serve as a rule for the compensation to be awarded for each and every slave, for whom it may afterwards be found that indemnification is due.

In case they do not agree, &c.

ARTICLE III.

When the average value of slaves shall have been ascertained and fixed, the two Commissioners shall constitute a board for the examination of the claims which are to be submitted to them, and they shall notify to the Secretary of State of the United States that they are ready to receive a definitive list of the slaves and other private property for which the citizens of the United States claim indemnification; it being understood and hereby agreed that the commission shall not take cognizance of, nor receive, and that His Britannic Majesty shall not be required to make, compensation for any claims for private property under the first article of the treaty of Ghent not contained in the said list. And His Britannic Majesty hereby engages to cause to be produced before the commission, as material towards ascertaining facts, all the evidence of which His Majesty's Government may be in possession, by returns from His Majesty's officers or otherwise, of the number of slaves carried away. But the evidence so produced, or its defectiveness, shall not go in bar of any claim or claims which shall be otherwise satisfactorily authenticated.

Commissioners to constitute a board for the examination of claims

Evidence of the number of slaves carried away.

ARTICLE IV.

The two Commissioners are hereby empowered and required to go into an examination of all the claims submitted, thro' the above-mentioned list, by the owners of slaves or other property, or by their lawful attorneys or representatives, and to determine the same, respectively, according to the merits of the several cases, under the rule of the Imperial decision hereinabove recited, and having reference, if need there be, to the explanatory documents hereunto annexed, marked A and B. And, in considering such claims, the Commissioners are empowered and required to examine, on oath or affirmation, all such persons as shall come before them touching the real number of the slaves, or value of other property, for which indemnification is claimed; and, also, to receive in evidence, according as they may think consistent with equity and justice, written depositions or papers, such depositions or papers being duly authenticated, either according to existing legal forms, or in such other manner as the said Commissioners shall see cause to require or allow.

Commissioners to examine claims.

ARTICLE V.

In the event of the two Commissioners not agreeing in any particular case under examination, or of their disagreement upon any question which may result from the stipulations of this convention, then and in that case they shall draw by lot the name of one of the two Arbitrators, who, after having given due consideration to the matter contested, shall consult with the Commissioners; and a final decision shall be given, conformably to the opinion of the majority of the two Commissioners and of the Arbitrator so drawn by lot. And the Arbitrator, when so acting with the two Commissioners, shall be bound in all respects by the rules of proceeding enjoined by the IVth article of this convention upon the Commissioners, and shall be vested with the same powers, and be deemed, for that case, a Commissioner.

If the Commissioners shall not agree.

ARTICLE VI.

The decision of the two Commissioners, or of the majority of the board, as constituted by the preceding article, shall in all cases be final and conclusive, whether as to number, the value, or the ownership of the slaves, or other property, for which indemnification is to be made. And His Britannic Majesty engages to cause the sum awarded to each and every owner in lieu of his slave or slaves, or other property, to be paid in specie, without deduction, at such time or times and at such place or places as shall be awarded by the said Commissioners, and on condition of such releases or assignments to be given as they shall direct: Provided, that no such payment shall be fixed to take place sooner than twelve months from the day of the exchange of the ratifications of this convention.

Decision.

Payment.

Proviso.

ARTICLE VII.

It is farther agreed that the Commissioners and Arbitrators shall be respectively paid in such manner as shall be settled between the Governments of the United States and Great Britain at the time of the exchange of the ratifications of this convention. And all other expenses attending the execution of the commission shall be defrayed jointly by the United States and His Britannic Majesty, the same being previously ascertained and allowed by the majority of the board.

Payment of Commissioners, &c.

ARTICLE VIII.

A certified copy of this convention, when duly ratified by His Majesty the Emperor of all the Russias, by the President of the United States, by and with the advice and consent of their Senate, and by His Britannic Majesty, shall be delivered by each of the contracting parties, respectively, to the Minister or other Agent of the mediating Power accredited to the Government of the United States, as soon as may be after the ratifications shall have been exchanged; which last shall be effected at Washington in six months from the date hereof, or sooner if possible.

Certified copies of this convention.

In faith whereof, the respective Plenipotentiaries have signed this

convention, drawn up in two languages, and have hereunto affixed their seals.

Done in triplicate at St. Petersburg, this thirtieth/twelfth day of June/July, one thousand eight hundred and twenty-two.

NESSELRODE. [L. S.]
CAPODISTRIAS. [L. S.]
HENRY MIDDLETON. [L. S.]
CHARLES BAGOT. [L. S.]

A.

Count Nesselrode to Mr. Middleton.

April 22, 1822.

The undersigned, Secretary of State, directing the Imperial Administration of Foreign Affairs, has the honor to communicate to Mr. Middleton, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, the opinion which the Emperor, his master, has thought it his duty to express upon the object of the differences which have arisen between the United States and Great Britain, relative to the interpretation of the first article of the treaty of Ghent.

Mr. Middleton is requested to consider this opinion as the award required of the Emperor by the two Powers.

He will doubtless recollect that he, as well as the Plenipotentiary of His Britannic Majesty, in all his memorials, has principally insisted on the grammatical sense of the first article of the treaty of Ghent, and that, even in his note of the 4th (16th) November, 1821, he has formally declared that it was on the *signification of the words in the text of the article as it now is* that the decision of His Imperial Majesty should be founded.

The same declaration being made in the note of the British Plenipotentiary dated 8th (20th) October, 1821, the Emperor had only to conform to the wishes expressed by the two parties, by devoting all his attention to the examination of the grammatical question.

The above-mentioned opinion will show the manner in which His Imperial Majesty judges of this question; and in order that the Cabinet of Washington may also know the motives upon which the Emperor's judgment is founded, the undersigned has hereto subjoined an extract of some observations upon the literal sense of the first article of the treaty of Ghent.

In this respect the Emperor has confined himself to following the rules of the language employed in drawing up the act, by which the two Powers have required his arbitration, and defined the object of their difference.

His Imperial Majesty has thought it his duty, exclusively, to obey the authority of these rules, and his opinion could not but be the rigorous and necessary consequence thereof.

The undersigned eagerly embraces this occasion to renew to Mr. Middleton the assurances of his most distinguished consideration.

NESSELRODE.

St. Petersburg, 22d April, 1822.

A/.

HIS IMPERIAL MAJESTY'S AWARD.

Invited by the United States of America and by Great Britain to give an opinion, as Arbitrator, in the differences which have arisen between these two Powers, on the subject of the interpretation of the first article of the treaty which they concluded at Ghent, on the 24th December, 1814, the Emperor has taken cognizance of all the acts, memorials, and notes in which the respective Plenipotentiaries have set forth to his administration of foreign affairs the arguments upon which each of the litigant parties depends in support of the interpretation given by it to the said article.

After having maturely weighed the observations exhibited on both sides:

Considering that the American Plenipotentiary and the Plenipotentiary of Britain have desired that the discussion should be closed;

Considering that the former, in his note of the 4th (16th) November, 1821, and the latter, in his note of the 8th (20th) October, of the same year, have declared that it is

upon the construction of the text of the article as it stands, that the Arbitrator's decision should be founded, and that both have appealed, only as subsidiary means, to the general principles of the law of nations and of maritime law;

The Emperor is of opinion "that the question can only be decided according to the literal and grammatical sense of the first article of the treaty of Ghent."

As to the literal and grammatical sense of the first article of the treaty of Ghent:

Considering that the period upon the signification of which doubts have arisen, is expressed as follows:

"All territory, places, and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction or carrying away any of the artillery or other public property *originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty*, or any slaves, or other private property; and all archives, records, deeds, and papers, either of a public nature, or belonging to private persons, which, in the course of the war, may have fallen into the hands of the officers of either party, shall be, as far as may be practicable, forthwith restored and delivered to the proper authorities and persons to whom they respectively belong."

Considering that, in this period, the words *originally captured, and which shall remain therein upon the exchange of the ratifications*, form an incidental phrase, which can have respect, *grammatically*, only to the substantives or subjects which precede;

That the first article of the treaty of Ghent thus prohibits the contracting parties from carrying away from the places of which it stipulates the restitution, only the public property *which might have been originally captured there, and which should remain therein upon the exchange of the ratifications*, but that it prohibits the carrying away from these same places *any private property* whatever;

That, on the other hand, these two prohibitions are solely applicable to the places of which the article stipulates the restitution;

The Emperor is of opinion:

"That the United States of America are entitled to a just indemnification, from Great Britain, for all private property carried away by the British forces; and as the question regards slaves more especially, for all such slaves as were carried away by the British forces, from the places and territories of which the restitution was stipulated by the treaty, in quitting the said places and territories;

"That the United States are entitled to consider, as having been so carried away, all such slaves as may have been transported from the above-mentioned territories on board of the British vessels within the waters of the said territories, and who, for this reason, have not been restored;

"But that, if there should be any American slaves who were carried away from territories of which the first article of the treaty of Ghent has not stipulated the restitution to the United States, the United States are not to claim an indemnification for the said slaves."

The Emperor declares, besides, that he is ready to exercise the office of mediator, which has been conferred on him beforehand by the two States, in the negotiations which must ensue between them in consequence of the award which they have demanded.

Done at St. Petersburg 22d April, 1822.

B.

Count Nesselrode to Mr. Middleton.

The undersigned, Secretary of State, directing the Imperial Administration of Foreign Affairs, has, without delay, laid before the Emperor, his master, the explanations into which the Ambassador of His Britannic Majesty has entered with the Imperial Ministry, in consequence of the preceding confidential communication which was made to Mr. Middleton, as well as to Sir Charles Bagot, of the opinion expressed by the Emperor upon the true sense of the 1st article of the treaty of Ghent.

Sir Charles Bagot understands that, in virtue of the decision of His Imperial Majesty, "His Britannic Majesty is not bound to indemnify the United States for any slaves who, coming from places which have never been occupied by his troops, voluntarily joined the British forces, either in consequence of the encouragement which His Majesty's officers had offered them, or to free themselves from the power of their master—these slaves not having been carried away from places or territories captured by His Britannic Majesty during the war, and, consequently, not having been carried away from places of which the article stipulates the restitution."

In answer to this observation, the undersigned is charged by His Imperial Majesty to communicate what follows to the Minister of the United States of America:

The Emperor having, by the mutual consent of the two Plenipotentiaries, given an opinion founded solely upon the sense which results *from the text of the article* in dispute, does not think himself called upon to decide here any question relative to what the laws of war permit or forbid to the belligerents; but, always faithful to the grammatical interpretation of the 1st article of the treaty of Ghent, His Imperial Majesty declares, a second time, that it appears to him according to this interpretation:

"That, in quitting the places and territories of which the treaty of Ghent stipulates the restitution to the United States, His Britannic Majesty's forces had no right to carry away from these same places and territories, absolutely, any slave, by whatever means he had fallen or come into their power.

"But that if, during the war, American slaves had been carried away by the English forces, from other places than those of which the treaty of Ghent stipulates the restitution, upon the territory, or on board British vessels, Great Britain should not be bound to indemnify the United States for the loss of these slaves, by whatever means they might have fallen or come into the power of her officers."

Although convinced, by the previous explanations above mentioned, that such is also the sense which Sir Charles Bagot attaches to his observation, the undersigned has nevertheless received from His Imperial Majesty orders to address the present note to the respective Plenipotentiaries, which will prove to them, that, in order the better to justify the confidence of the two Governments, the Emperor has been unwilling that the slightest doubt should arise regarding the consequences of his opinion.

The undersigned eagerly embraces this occasion of repeating to Mr. Middleton the assurance of his most distinguished consideration.

NESSELRODE.

St. Petersburg, 22d April, 1822.

GREAT BRITAIN, 1826.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN. CONCLUDED NOVEMBER 13, 1826; RATIFICATIONS EXCHANGED FEBRUARY 6, 1827; PROCLAIMED MARCH 19, 1827.

Difficulties having arisen in the execution of the convention concluded at St. Petersburgh on the twelfth day of July, 1822, under the mediation of His Majesty the Emperor of all the Russias, between the United States of America and Great Britain, for the purpose of carrying into effect the decision of His Imperial Majesty upon the differences which had arisen between the said United States and Great Britain on the true construction and meaning of the first article of the treaty of peace and amity concluded at Ghent on the twenty-fourth day of December, 1814: The said United States and his Britannick Majesty, being equally desirous to obviate such difficulties, have respectfully named Plenipotentiaries to treat and agree respecting the same, that is to say:

The President of the United States of America has appointed Albert Gallatin their Envoy Extraordinary and Minister Plenipotentiary to His Britannick Majesty; and His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable William Huskisson, a member of his said Majesty's Most Honourable Privy Council, a member of Parliament, President of the Committee of Privy Council for Affairs of Trade and Foreign Plantations, and Treasurer of his said Majesty's Navy, and Henry Unwin Addington, Esquire, late His Majesty's Chargé d'Affaires to the United States of America;

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon and concluded the following articles:

ARTICLE I.

His Majesty the King of the United Kingdom of Great Britain and Ireland agrees to pay, and the United States of America agree to receive, for the use of the persons entitled to indemnification and compensation by virtue of the said decision and convention, the sum of twelve hundred and four thousand nine hundred and sixty dollars, current money of the United States, in lieu of, and in full and complete satisfaction for, all sums claimed or claimable from Great Britain, by any person or persons whatsoever, under the said decision and convention.

Sum to be paid by Great Britain.

ARTICLE II.

The object of the said convention being thus fulfilled, that convention is hereby declared to be cancelled and annulled, save and except the second article of the same, which has already been carried into execution by the Commissioners appointed under the said convention; and save and except so much of the third article of the same as relates to the definitive list of claims and has already likewise been carried into execution by the said Commissioners.

Convention annulled.

ARTICLE III.

The said sum of twelve hundred and four thousand nine hundred and sixty dollars shall be paid at Washington to such person or persons as shall be duly authorized, on the part of the United States, to receive the same, in two equal payments as follows:

The payment of the first half to be made twenty days after official notification shall have been made by the Government of the United States to His Britannick Majesty's Minister in the said United States of the ratification of the present convention by the President of the United States, by and with the advice and consent of the Senate thereof.

And the payment of the second half to be made on the first day of August, 1827.

When and where payable.

ARTICLE IV.

The above sums being taken as a full and final liquidation of all claims whatsoever arising under the said decision and convention, both the final adjustment of those claims, and the distribution of the sums so paid by Great Britain to the United States, shall be made in such manner as the United States alone shall determine; and the Government of Great Britain shall have no further concern or liability therein.

The sums to be in full of all claims under the convention.

ARTICLE V.

It is agreed that from the date of the exchange of the ratifications of the present convention, the joint commission appointed under the said convention of St. Petersburgh, of the twelfth of July, 1822, shall be dissolved; and upon the dissolution thereof, all the documents and papers in possession of the said commission, relating to claims under that convention, shall be delivered over to such person or persons as shall be duly authorized on the part of the United States to receive the same. And the British Commissioner shall make over to such person or persons, so authorized, all the documents and papers (or authenticated copies of the same, where the originals cannot conveniently be made over) relating to claims under the said convention,

Papers of the commission.

which he may have received from his Government for the use of the said commission, conformably to the stipulations contained in the third article of the said convention.

ARTICLE VI.

Ratification of this convention.

The present convention shall be ratified, and the ratifications shall be exchanged in London, in six months from this date, or sooner if possible.

In witness whereof the Plenipotentiaries aforesaid, by virtue of their respective full powers, have signed the same, and have affixed thereunto the seals of their arms.

Done at London this thirteenth day of November, in the year of our Lord one thousand eight hundred and twenty-six.

ALBERT GALLATIN. [L. S.]
WILLIAM HUSKISSON. [L. S.]
HENRY UNWIN ADDINGTON. [L. S.]

GREAT BRITAIN, 1827.

CONVENTION WITH GREAT BRITAIN. CONCLUDED AUGUST 6, 1827; RATIFICATIONS EXCHANGED APRIL 2, 1828; PROCLAIMED MAY 15, 1828.

Object of the treaty.

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, being equally desirous to prevent, as far as possible, all hazard of misunderstanding between the two nations, with respect to the territory on the northwest coast of America, west of the Stoney or Rocky Mountains, after the expiration of the third article of the convention concluded between them on the twentieth of October, 1818, and also with a view to give further time for maturing measures which shall have for their object a more definite settlement of the claims of each party to the said territory, have respectively named their Plenipotentiaries to treat and agree concerning a temporary renewal of the said article, that is to say:

Negotiators.

The President of the United States of America, Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary to His Britannick Majesty; and His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Charles Grant, a member of his said Majesty's Most Honourable Privy Council, a member of Parliament, and Vice-President of the Committee of Privy Council for Affairs of Trade and Foreign Plantations, and Henry Unwin Addington, Esquire;

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon and concluded the following articles:

ARTICLE I.

Third article of convention of 20th October, 1818.

All the provisions of the third article of the convention concluded between the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland on the twentieth of October, 1818, shall be, and they are hereby, further indefinitely extended and continued in force, in the same manner as if all the provisions of the said article were herein specifically recited.

ARTICLE II.

It shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the twentieth of October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention; and it shall, in such case, be accordingly entirely annulled and abrogated, after the expiration of the said term of notice.

Convention may be annulled.

ARTICLE III.

Nothing contained in this convention, or in the third article of the convention of the twentieth of October, 1818, hereby continued in force, shall be construed to impair, or in any manner affect, the claims which either of the contracting parties may have to any part of the country westward of the Stoney or Rocky Mountains.

Certain claims not to be affected by this treaty.

ARTICLE IV.

The present convention shall be ratified, and the ratifications shall be exchanged in nine months, or sooner if possible.

Ratifications.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London the sixth day of August, in the year of our Lord one thousand eight hundred and twenty-seven.

ALBERT GALLATIN. [L. S.]
CHA. GRANT. [L. S.]
HENRY UNWIN ADDINGTON. [L. S.]

GREAT BRITAIN, 1827.

RENEWAL OF COMMERCIAL CONVENTION WITH GREAT BRITAIN. CONCLUDED AUGUST 6, 1827; RATIFICATIONS EXCHANGED APRIL 2, 1828; PROCLAIMED MAY 15, 1828.

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, being desirous of continuing in force the existing commercial regulations between the two countries, which are contained in the convention concluded between them on the third of July, 1815, and further renewed by the fourth article of the convention of the twentieth of October, 1818, have, for that purpose, named their respective Plenipotentiaries, that is to say:

Object of the convention.

The President of the United States of America, Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary to His Britannick Majesty; and His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Charles Grant, a member of His said Majesty's Most Honourable Privy Council, a member of Parliament, and Vice-President of the Committee of Privy Council for Affairs of Trade and Foreign Plantations; and Henry Unwin Addington, Esquire;

On the part of the United States.

On the part of His Majesty.

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon and concluded the following articles:

Articles agreed on.

ARTICLE I.

All the provisions of the convention concluded between the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, on the third of July, 1815, and further continued for the term of ten years by the fourth article of the convention of the twentieth of October, 1818, with the exception therein contained as to St. Helena, are hereby further indefinitely, and without the said exception, extended and continued in force, from the date of the expiration of the said ten years, in the same manner as if all the provisions of the said convention of the third of July, 1815, were herein specifically recited.

ARTICLE II.

It shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the expiration of the said ten years, that is, after the twentieth of October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention; and it shall, in such case, be accordingly entirely annulled and abrogated, after the expiration of the said term of notice.

ARTICLE III.

The present convention shall be ratified, and the ratifications shall be exchanged in nine months, or sooner if possible.[1]

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London the sixth day of August, in the year of our Lord one thousand eight hundred and twenty-seven.

ALBERT GALLATIN. [L. S.]
CHA. GRANT. [L. S.]
HENRY UNWIN ADDINGTON. [L. S.]

GREAT BRITAIN, 1827.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN. CONCLUDED SEPTEMBER 29, 1827; RATIFICATIONS EXCHANGED APRIL 2, 1828; PROCLAIMED MAY 15, 1828.

Commissioners.

Whereas it is provided by the fifth article of the treaty of Ghent, that, in case the Commissioners appointed under that article, for the settlement of the boundary line therein described, should not be able to agree upon such boundary line, the report or reports of those Commissioners, stating the points on which they had differed, should be submitted to some friendly Sovereign or State, and that the decision given by such Sovereign or State, on such points of difference, should be considered by the contracting parties as final and conclusive: That case having now arisen, and it having, therefore, become expedient to proceed to and regulate the reference as above described, the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland have, for that purpose, named their Plenipotentiaries, that is to say:

The President of the United States has appointed Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary at the Court

of His Britannick Majesty; and His said Majesty, on his part, has appointed the Right Honourable Charles Grant, a member of Parliament, a member of His said Majesty's Most Honourable Privy Council, and President of the Committee of the Privy Council for Affairs of Trade and Foreign Plantations, and Henry Unwin Addington, Esquire;

Who, after having exchanged their respective full powers, found to be in due and proper form, have agreed to and concluded the following articles:

ARTICLE I.

Reference of differences.

It is agreed that the points of difference which have arisen in the settlement of the boundary between the American and British dominions, as described in the 5th article of the treaty of Ghent, shall be referred, as therein provided, to some friendly Sovereign or State, who shall be invited to investigate, and make a decision upon, such points of difference.

The two contracting Powers engage to proceed in concert, to the choice of such friendly Sovereign or State, as soon as the ratifications of this convention shall have been exchanged, and to use their best endeavours to obtain a decision, if practicable, within two years after the Arbiter shall have signified his consent to act as such.

ARTICLE II.

Statement of the respective cases.

The reports and documents, thereunto annexed, of the Commissioners appointed to carry into execution the 5th article of the treaty of Ghent, being so voluminous and complicated as to render it improbable that any Sovereign or State should be willing or able to undertake the office of investigating and arbitrating upon them, it is hereby agreed to substitute, for those reports, new and separate statements of the respective cases, severally drawn up by each of the contracting parties, in such form and terms as each may think fit.

The said statements, when prepared, shall be mutually communicated to each other by the contracting parties, that is to say, by the United States to His Britannick Majesty's Minister or Chargé d'Affaires at Washington, and by Great Britain to the Minister or Chargé d'Affaires of the United States at London, within fifteen months after the exchange of the ratifications of the present convention.

After such communication shall have taken place, each party shall have the power of drawing up a second and definitive statement, if it thinks fit so to do, in reply to the statement of the other party, so communicated; which definitive statements shall also be mutually communicated, in the same manner as aforesaid, to each other, by the contracting parties, within twenty-one months after the exchange of ratifications of the present convention.

ARTICLE III.

Evidence intended to be offered.

Each of the contracting parties shall, within nine months after the exchange of ratifications of this convention, communicate to the other, in the same manner as aforesaid, all the evidence intended to be brought in support of its claim, beyond that which is contained in the reports of the Commissioners, or papers thereunto annexed, and other written documents laid before the Commission, under the 5th article of the treaty of Ghent.

Each of the contracting parties shall be bound, on the application of

the other party, made within six months after the exchange of the ratifications of this convention, to give authentick copies of such individually specified acts of a publick nature, relating to the territory in question, intended to be laid as evidence before the Arbiter, as have been issued under the authority, or are in the exclusive possession, of each party.

No maps, surveys, or topographical evidence of any description, shall be adduced by either party, beyond that which is hereinafter stipulated, nor shall any fresh evidence of any description be adduced or adverted to, by either party, other than that mutually communicated or applied for as aforesaid.

Each party shall have full power to incorporate in, or annex to, either its first or second statement, any portion of the reports of the Commissioners, or papers thereunto annexed, and other written documents laid before the Commission under the 5th article of the treaty of Ghent, or of the other evidence mutually communicated or applied for as above provided, which it may think fit.

Article IV.

Maps.

The map called Mitchell's map, by which the framers of the treaty of 1783 are acknowledged to have regulated their joint and official proceedings, and the map A, which has been agreed on by the contracting parties, as a delineation of the water-courses, and of the boundary lines in reference to the said water-courses, as contended for by each party respectively, and which has accordingly been signed by the above-named Plenipotentiaries, at the same time with this convention, shall be annexed to the statements of the contracting parties, and be the only maps that shall be considered as evidence, mutually acknowledged by the contracting parties, of the topography of the country.

It shall, however, be lawful for either party to annex to its respective first statement, for the purposes of general illustration, any of the maps, surveys, or topographical delineations, which were filed with the Commissioners under the 5th article of the treaty of Ghent, any engraved map heretofore published, and also a transcript of the above-mentioned map A, or of a section thereof, in which transcript each party may lay down the highlands, or other features of the country, as it shall think fit; the water courses and the boundary lines, as claimed by each party, remaining as laid down in the said map A.

But this transcript, as well as all the other maps, surveys, or topographical delineations, other than the map A, and Mitchell's map, intended to be thus annexed, by either party, to the respective statements, shall be communicated to the other party, in the same manner as aforesaid, within nine months after the exchange of the ratifications of this convention, and shall be subject to such objections and observations as the other contracting party may deem it expedient to make thereto, and shall annex to his first statement, either in the margin of such transcript, map or maps, or otherwise.

Article V.

Statements, &c., to be delivered.

All the statements, papers, maps, and documents, above mentioned, and which shall have been mutually communicated as aforesaid, shall, without any addition, subtraction, or alteration, whatsoever, be jointly and simultaneously delivered in to the arbitrat-

ing Sovereign or State within two years after the exchange of ratifications of this convention, unless the Arbiter should not, within that time, have consented to act as such; in which case all the said statements, papers, maps, and documents shall be laid before him within six months after the time when he shall have consented so to act. No other statements, papers, maps, or documents shall ever be laid before the Arbiter, except as hereinafter provided.

ARTICLE VI.

In order to facilitate the attainment of a just and sound decision on the part of the Arbiter, it is agreed that, in case the said Arbiter should desire further elucidation or evidence in regard to any specifick point contained in any of the said statements submitted to him, the requisition for such elucidation or evidence shall be simultaneously made to both parties, who shall thereupon be permitted to bring further evidence, if required, and to make, each, a written reply to the specifick questions submitted by the said Arbiter, but no further; and such evidence and replies shall be immediately communicated by each party to the other.

In case the Arbiter should desire further evidence, &c.

And in case the Arbiter should find the topographical evidence, laid as aforesaid before him, insufficient for the purposes of a sound and just decision, he shall have the power of ordering additional surveys to be made of any portions of the disputed boundary line or territory, as he may think fit; which surveys shall be made at the joint expense of the contracting parties, and be considered as conclusive by them.

ARTICLE VII.

The decision of the Arbiter, when given, shall be taken as final and conclusive; and it shall be carried, without reserve, into immediate effect, by Commissioners appointed for that purpose by the contracting parties.

Decision of th Arbiter.

ARTICLE VIII.

This convention shall be ratified, and the ratifications shall be exchanged in nine months from the date hereof, or sooner if possible.

In witness whereof, we, the respective Plenipotentiaries, have signed the same, and have affixed thereto the seals of our arms.

Done at London the twenty-ninth day of September, in the year of our Lord one thousand eight hundred and twenty-seven.

ALBERT GALLATIN. [L. S.]
CHA. GRANT. [L. S.]
HENRY UNWIN ADDINGTON. [L. S.]

GREAT BRITAIN, 1842.

A TREATY TO SETTLE AND DEFINE THE BOUNDARIES BETWEEN THE TERRITORIES OF THE UNITED STATES AND THE POSSESSIONS OF HER BRITANNIC MAJESTY IN NORTH AMERICA; FOR THE FINAL SUPPRESSION OF THE AFRICAN SLAVE-TRADE; AND FOR THE GIVING UP OF CRIMINALS FUGITIVE FROM JUSTICE, IN CERTAIN CASES. CONCLUDED AUGUST 9, 1842; RATIFICATIONS EXCHANGED OCTOBER 13, 1842; PROCLAIMED NOVEMBER 10, 1842.

Whereas certain portions of the line of boundary between the United States of America and the British dominions in North

Preamble.

America, described in the second article of the treaty of peace of 1783, have not yet been ascertained and determined, notwithstanding the repeated attempts which have been heretofore made for that purpose; and whereas it is now thought to be for the interest of both parties, that, avoiding further discussion of their respective rights, arising in this respect under the said treaty, they should agree on a conventional line in said portions of the said boundary, such as may be convenient to both parties, with such equivalents and compensations as are deemed just and reasonable; and whereas, by the treaty concluded at Ghent on the 24th day of December, 1814, between the United States and His Britannic Majesty, an article was agreed to and inserted of the following tenor, vizt: "Art. 10. Whereas the traffic in slaves is irreconcilable with the principles of humanity and justice; and whereas both His Majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed that both the contracting parties shall use their best endeavors to accomplish so desirable an object;" and whereas, notwithstanding the laws which have at various times been passed by the two Governments, and the efforts made to suppress it, that criminal traffic is still prosecuted and carried on; and whereas the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland are determined that, so far as may be in their power, it shall be effectually abolished; and whereas it is found expedient, for the better administration of justice and the prevention of crime within the territories and jurisdiction of the two parties respectively, that persons committing the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up: The United States of America and Her Britannic Majesty, having resolved to treat on these several subjects, have for that purpose appointed their respective Plenipotentiaries to negotiate and conclude a treaty, that is to say:

The President of the United States has, on his part, furnished with full powers Daniel Webster, Secretary of State of the United States, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland has, on her part, appointed the Right Honorable Alexander Lord Ashburton, a peer of the said United Kingdom, a member of Her Majesty's Most Honorable Privy Council, and Her Majesty's Minister Plenipotentiary on a special mission to the United States;

Who, after a reciprocal communication of their respective full powers, have agreed to and signed the following articles:

ARTICLE I.

Boundary line between United States and the British possessions.

It is hereby agreed and declared that the line of boundary shall be as follows: Beginning at the monument at the source of the river St. Croix as designated and agreed to by the Commissioners under the fifth article of the treaty of 1794, between the Governments of the United States and Great Britain; thence, north, following the exploring line run and marked by the surveyors of the two Governments in the years 1817 and 1818, under the fifth article of the treaty of Ghent, to its intersection with the river St. John, and to the middle of the channel thereof; thence, up the middle of the main channel of the said river St. John, to the mouth of the river St. Francis; thence, up the middle of the channel of the said river St. Francis, and of the lakes through which it flows, to the outlet of the Lake Pohenagamook; thence, southwesterly, in a straight line, to a point on the northwest branch of the river St. John, which point shall be ten miles

distant from the main branch of the St. John, in a straight line, and in the nearest direction; but if the said point shall be found to be less than seven miles from the nearest point of the summit or crest of the highlands that divide those rivers which empty themselves into the river Saint Lawrence from those which fall into the river Saint John, then the said point shall be made to recede down the said northwest branch of the river St. John, to a point seven miles in a straight line from the said summit or crest; thence, in a straight line, in a course about south, eight degrees west, to the point where the parallel of latitude of 46° 25′ north intersects the southwest branch of the St. John's; thence, southerly, by the said branch, to the source thereof in the highlands at the Metjarmette portage; thence, down along the said highlands which divide the waters which empty themselves into the river Saint Lawrence from those which fall into the Atlantic Ocean, to the head of Hall's Stream; thence, down the middle of said stream, till the line thus run intersects the old line of boundary surveyed and marked by Valentine and Collins, previously to the year 1774, as the 45th degree of north latitude, and which has been known and understood to be the line of actual division between the States of New York and Vermont on one side, and the British province of Canada on the other; and from said point of intersection, west, along the said dividing line, as heretofore known and understood, to the Iroquois or St. Lawrence River.

Article II.

It is moreover agreed, that from the place where the joint Commissioners terminated their labors under the sixth article of the treaty of Ghent, to wit, at a point in the Neebish Channel, near Muddy Lake, the line shall run into and along the ship-channel between Saint Joseph and St. Tammany Islands, to the division of the channel at or near the head of St. Joseph's Island; thence, turning eastwardly and northwardly around the lower end of St. George's or Sugar Island, and following the middle of the channel which divides St. George's from St. Joseph's Island; thence up the east Neebish Channel, nearest to St. George's Island, through the middle of Lake George; thence, west of Jonas' Island, into St. Mary's River, to a point in the middle of that river, about one mile above St. George's or Sugar Island, so as to appropriate and assign the said island to the United States; thence, adopting the line traced on the maps by the Commissioners, thro' the river St. Mary and Lake Superior, to a point north of Ile Royale, in said lake, one hundred yards to the north and east of Ile Chapeau, which last-mentioned island lies near the northeastern point of Ile Royale, where the line marked by the Commissioners terminates; and from the last-mentioned point, southwesterly, through the middle of the sound between Ile Royale and the northwestern main land, to the mouth of Pigeon River, and up the said river, to and through the north and south Fowl Lakes, to the lakes of the height of land between Lake Superior and the Lake of the Woods; thence, along the water communication to Lake Saisaginaga, and through that lake; thence, to and through Cypress Lake, Lac du Bois Blanc, Lac la Croix, Little Vermilion Lake, and Lake Namecan and through the several smaller lakes, straits, or streams, connecting the lakes here mentioned, to that point in Lac la Pluie, or Rainy Lake, at the Chaudière Falls, from which the Commissioners traced the line to the most northwestern point of the Lake of the Woods; thence, along the said line, to the said most northwestern point, being in latitude 49° 23′ 55″ north, and in

Description of the boundary line.

longitude 95° 14′ 38″ west from the observatory at Greenwich; thence, according to existing treaties, due south to its intersection with the 49th parallel of north latitude, and along that parallel to the Rocky Mountains. It being understood that all the water communications and all the usual portages along the line from Lake Superior to the Lake of the Woods, and also Grand Portage, from the shore of Lake Superior to the Pigeon River, as now actually used, shall be free and open to the use of the citizens and subjects of both countries.

ARTICLE III.

Navigation of the river St. John.

In order to promote the interests and encourage the industry of all the inhabitants of the countries watered by the river St. John and its tributaries, whether living within the State of Maine or the province of New Brunswick, it is agreed that, where, by the provisions of the present treaty, the river St. John is declared to be the line of boundary, the navigation of the said river shall be free and open to both parties, and shall in no way be obstructed by either; that all the produce of the forest, in logs, lumber, timber, boards, staves, or shingles, or of agriculture, not being manufactured, grown on any of those parts of the State of Maine watered by the river St. John, or by its tributaries, of which fact reasonable evidence shall, if required, be produced, shall have free access into and through the said river and its said tributaries, having their source within the State of Maine, to and from the sea-port at the mouth of the said river St. John's, and to and round the falls of the said river, either by boats, rafts, or other conveyance; that when within the province of New Brunswick, the said produce shall be dealt with as if it were the produce of the said province; that, in like manner, the inhabitants of the territory of the upper St. John, determined by this treaty to belong to Her Britannic Majesty, shall have free access to and through the river, for their produce, in those parts where the said river runs wholly through the State of Maine:

Proviso.

Provided, always, that this agreement shall give no right to either party to interfere with any regulations not inconsistent with the terms of this treaty which the governments, respectively, of Maine or of New Brunswick may make respecting the navigation of the said river, where both banks thereof shall belong to the same party.

ARTICLE IV.

Grants of land, &c., within the territory.

All grants of land heretofore made by either party, within the limits of the territory which by this treaty falls within the dominions of the other party, shall be held valid, ratified, and confirmed to the persons in possession under such grants, to the same extent as if such territory had by this treaty fallen within the dominions of the party by whom such grants were made; and all equitable possessory claims, arising from a possession and improvement of any lot or parcel of land by the person actually in possession, or by those under whom such person claims, for more than six years before the date of this treaty, shall, in like manner, be deemed valid, and be confirmed and quieted by a release to the person entitled thereto, of the title to such lot or parcel of land, so described as best to include the improvements made thereon; and in all other respects the two contracting parties agree to deal upon the most liberal principles of equity with the settlers actually dwelling upon the territory falling to them, respectively, which has heretofore been in dispute between them.

ARTICLE V.

Distribution of the "disputed territory fund."

Whereas in the course of the controversy respecting the disputed territory on the northeastern boundary, some moneys have been received by the authorities of Her Britannic Majesty's province of New Brunswick, with the intention of preventing depredations on the forests of the said territory, which moneys were to be carried to a fund called the "disputed territory fund," the proceeds whereof it was agreed should be hereafter paid over to the parties interested, in the proportions to be determined by a final settlement of boundaries, it is hereby agreed that a correct account of all receipts and payments on the said fund shall be delivered to the Government of the United States within six months after the ratification of this treaty; and the proportion of the amount due thereon to the States of Maine and Massachusetts, and any bonds or securities appertaining thereto shall be paid and delivered over to the Government of the United States; and the Government of the United States agrees to receive for the use of, and pay over to, the States of Maine and Massachusetts, their respective portions of said fund, and further, to pay and satisfy said States, respectively, for all claims for expenses incurred by them in protecting the said heretofore disputed territory and making a survey thereof in 1838; the Government of the United States agreeing with the States of Maine and Massachusetts to pay them the further sum of three hundred thousand dollars, in equal moieties, on account of their assent to the line of boundary described in this treaty, and in consideration of the conditions and equivalents received therefor from the Government of Her Britannic Majesty.

ARTICLE VI.

Commissioners to mark the line between the St. Croix and St. Lawrence Rivers.

It is furthermore understood and agreed that, for the purpose of running and tracing those parts of the line between the source of the St. Croix and the St. Lawrence River which will require to be run and ascertained, and for marking the residue of said line by proper monuments on the land, two Commissioners shall be appointed, one by the President of the United States, by and with the advice and consent of the Senate thereof, and one by Her Britannic Majesty; and the said Commissioners shall meet at Bangor, in the State of Maine, on the first day of May next, or as soon thereafter as may be, and shall proceed to mark the line above described, from the source of the St. Croix to the river St. John; and shall trace on proper maps the dividing-line along said river and along the river St. Francis to the outlet of the Lake Pohenagamook; and from the outlet of the said lake they shall ascertain, fix, and mark, by proper and durable monuments on the land, the line described in the first article of this treaty; and the said Commissioners shall make to each of their respective Governments a joint report or declaration, under their hands and seals, designating such line of boundary, and shall accompany such report or declaration with maps, certified by them to be true maps of the new boundary.

ARTICLE VII.

Certain waters open to both parties.

It is further agreed that the channels in the river St. Lawrence on both sides of the Long Sault Islands and of Barnhart Island, the channels in the river Detroit on both sides of the island Bois Blanc, and between that island and both the American and Cana-

dian shores, and all the several channels and passages between the various islands lying near the junction of the river St. Clair with the lake of that name, shall be equally free and open to the ships, vessels, and boats of both parties.

ARTICLE VIII.

Suppression of the slave-trade.

The parties mutually stipulate that each shall prepare, equip, and maintain in service on the coast of Africa a sufficient and adequate squadron or naval force of vessels of suitable numbers and descriptions, to carry in all not less than eighty guns, to enforce, separately and respectively, the laws, rights, and obligations of each of the two countries for the suppression of the slave-trade, the said squadrons to be independent of each other, but the two Governments stipulating, nevertheless, to give such orders to the officers commanding their respective forces as shall enable them most effectually to act in concert and co-operation, upon mutual consultation, as exigencies may arise, for the attainment of the true object of this article, copies of all such orders to be communicated by each Government to the other, respectively.

ARTICLE IX.

Remonstrances with other Powers within whose dominions a market for slaves is found.

Whereas, notwithstanding all efforts which may be made on the coast of Africa for suppressing the slave-trade, the facilities for carrying on that traffic and avoiding the vigilance of cruisers, by the fraudulent use of flags and other means, are so great, and the temptations for pursuing it, while a market can be found for slaves, so strong, as that the desired result may be long delayed unless all markets be shut against the purchase of African negroes, the parties to this treaty agree that they will unite in all becoming representations and remonstrances with any and all Powers within whose dominions such markets are allowed to exist, and that they will urge upon all such Powers the propriety and duty of closing such markets effectually, at once and forever.

ARTICLE X.

Criminals.

It is agreed that the United States and Her Britannic Majesty shall, upon mutual requisitions by them, or their Ministers, officers, or authorities, respectively made, deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged paper, committed within the jurisdiction of either, shall seek an asylum or shall be found within the territories of the other: Provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offence had there been committed; and the respective judges and other magistrates of the two Governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates, respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

ARTICLE XI.

The eighth article of this treaty shall be in force for five years from the date of the exchange of the ratifications, and afterwards until one or the other party shall signify a wish to terminate it. The tenth article shall continue in force until one or the other of the parties shall signify its wish to terminate it, and no longer.

Duration of the treaty.

ARTICLE XII.

The present treaty shall be duly ratified, and the mutual exchange of ratifications shall take place in London, within six months from the date hereof, or earlier if possible.

Ratifications.

In faith whereof we, the respective Plenipotentiaries, have signed this treaty and have hereunto affixed our seals.

Done in duplicate at Washington, the ninth day of August, anno Domini one thousand eight hundred and forty-two.

DANL. WEBSTER. [L. S.]
ASHBURTON. [L. S.]

GREAT BRITAIN, 1846.

TREATY WITH GREAT BRITAIN IN REGARD TO LIMITS WESTWARD OF THE ROCKY MOUNTAINS. CONCLUDED JUNE 15, 1846; RATIFICATIONS EXCHANGED JULY 17, 1846; PROCLAIMED AUGUST 5, 1846.

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, deeming it to be desirable for the future welfare of both countries that the state of doubt and uncertainty which has hitherto prevailed respecting the sovereignty and government of the territory on the northwest coast of America, lying westward of the Rocky or Stony Mountains, should be finally terminated by an amicable compromise of the rights mutually asserted by the two parties over the said territory, have respectively named Plenipotentiaries to treat and agree concerning the terms of such settlement, that is to say:

Preamble.

The President of the United States of America has, on his part, furnished with full powers James Buchanan, Secretary of State of the United States, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland has, on her part, appointed the Right Honorable Richard Pakenham, a member of Her Majesty's Most Honorable Privy Council, and Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States;

Negotiators.

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

From the point on the forty-ninth parallel of north latitude, where the boundary laid down in existing treaties and conventions between the United States and Great Britain terminates, the line of boundary between the territories of the United States and those of Her Britannic Majesty shall be continued westward along the said forty-ninth parallel of north latitude to the middle of the channel

Boundary line west of Rocky Mountains.

Navigation between Vancouver's Island and the continent, and of Fuca's Straits.

which separates the continent from Vancouver's Island, and thence southerly through the middle of the said channel, and of Fuca's Straits, to the Pacific Ocean: Provided, however, that the navigation of the whole of the said channel and straits, south of the forty-ninth parallel of north latitude, remain free and open to both parties.

ARTICLE II.

Navigation of part of Columbia River.

From the point at which the forty-ninth parallel of north latitude shall be found to intersect the great northern branch of the Columbia River, the navigation of the said branch shall be free and open to the Hudson's Bay Company, and to all British subjects trading with the same, to the point where the said branch meets the main stream of the Columbia, and thence down the said main stream to the ocean, with free access into and through the said river or rivers, it being understood that all the usual portages along the line thus described shall, in like manner, be free and open. In navigating the said river or rivers, British subjects, with their goods and produce, shall be treated on the same footing as citizens of the United States; it being, however, always understood that nothing in this article shall be construed as preventing, or intended to prevent, the Government of the United States from making any regulations respecting the navigation of the said river or rivers not inconsistent with the present treaty.

Regulations for navigation of said river.

ARTICLE III.

Possessory rights of all British subjects.

In the future appropriation of the territory south of the forty-ninth parallel of north latitude, as provided in the first article of this treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be already in the occupation of land or other property lawfully acquired within the said territory, shall be respected.

ARTICLE IV.

Farms, &c., belonging to Puget's Sound Agricultural Company.

The farms, lands, and other property of every description belonging to the Puget's Sound Agricultural Company, on the north side of the Columbia River, shall be confirmed to the said company. In case, however, the situation of those farms and lands should be considered by the United States to be of public and political importance, and the United States Government should signify a desire to obtain possession of the whole, or of any part thereof, the property so required shall be transferred to the said Government, at a proper valuation, to be agreed upon between the parties.

ARTICLE V.

Ratifications.

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratifications shall be exchanged at London, at the expiration of six months from the date hereof, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Washington the fifteenth day of June, in the year of our Lord one thousand eight hundred and forty-six.

JAMES BUCHANAN. [L. S.]
RICHARD PAKENHAM. [L. S.]

GREAT BRITAIN, 1850.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HER BRITANNIC MAJESTY. CONCLUDED APRIL 19, 1850; RATIFICATIONS EXCHANGED JULY 4, 1850; PROCLAIMED JULY 5, 1850.

The United States of America and Her Britannic Majesty, being desirous of consolidating the relations of amity which so happily subsist between them by setting forth and fixing in a convention their views and intentions with reference to any means of communication by ship-canal which may be constructed between the Atlantic and Pacific Oceans by the way of the river San Juan de Nicaragua, and either or both of the lakes of Nicaragua or Managua, to any port or place on the Pacific Ocean, the President of the United States has conferred full powers on John M. Clayton, Secretary of State of the United States, and Her Britannic Majesty on the Right Honourable Sir Henry Lytton Bulwer, a member of Her Majesty's Most Honourable Privy Council, Knight Commander of the Most Honourable Order of the Bath, and Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty to the United States, for the aforesaid purpose; and the said Plenipotentiaries, having exchanged their full powers, which were found to be in proper form, have agreed to the following articles:

Negotiators.

ARTICLE I.

The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship-canal; agreeing that neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have to or with any State or people for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection, or influence that either may possess, with any State or Government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

Control over the proposed canal.

ARTICLE II.

Vessels of the United States or Great Britain traversing the said canal shall, in case of war between the contracting parties, be exempted from blockade, detention, or capture by either of the belligerents; and this provision shall extend to such a distance from the two ends of the said canal as may hereafter be found expedient to establish.

Privileges of vessels traversing the canal.

ARTICLE III.

Property of the parties engaged in constructing the canal.

In order to secure the construction of the said canal, the contracting parties engage that, if any such canal shall be undertaken upon fair and equitable terms by any parties having the authority of the local government or governments through whose territory the same may pass, then the persons employed in making the said canal, and their property used or to be used for that object, shall be protected, from the commencement of the said canal to its completion, by the Governments of the United States and Great Britain, from unjust detention, confiscation, seizure, or any violence whatsoever.

ARTICLE IV.

Construction of the work to be facilitated.

Free ports.

The contracting parties will use whatever influence they respectively exercise with any State, States, or Governments possessing, or claiming to possess, any jurisdiction or right over the territory which the said canal shall traverse, or which shall be near the waters applicable thereto, in order to induce such States or Governments to facilitate the construction of the said canal by every means in their power; and, furthermore, the United States and Great Britain agree to use their good offices, wherever or however it may be most expedient, in order to procure the establishment of two free ports, one at each end of the said canal.

ARTICLE V.

Neutrality of canal.

The contracting parties further engage that when the said canal shall have been completed they will protect it from interruption, seizure, or unjust confiscation, and that they will guarantee the neutrality thereof, so that the said canal may forever be open and free, and the capital invested therein secure. Nevertheless, the Governments of the United States and Great Britain, in according their protection to the construction of the said canal, and guaranteeing its neutrality and security when completed, always understand that this protection and guarantee are granted conditionally, and may be withdrawn by both Governments, or either Government, if both Governments or either Government should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this convention, either by making unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other, or by imposing oppressive exactions or unreasonable tolls upon passengers, vessels, goods, wares, merchandise, or other articles. Neither party, however, shall withdraw the aforesaid protection and guarantee without first giving six months' notice to the other.

ARTICLE VI.

Treaty stipulations to be made with Central American States.

The contracting parties in this convention engage to invite every State with which both or either have friendly intercourse to enter into stipulations with them similar to those which they have entered into with each other, to the end that all other States may share in the honor and advantage of having contributed to a work of such general interest and importance as the canal herein contemplated. And the contracting parties likewise agree that each shall enter into treaty stipulations with such of the Central American States as they may deem advisable for the purpose of more effectually car-

rying out the great design of this convention, namely, that of constructing and maintaining the said canal as a ship communication between the two oceans, for the benefit of mankind, on equal terms to all, and of protecting the same; and they also agree that the good offices of either shall be employed, when requested by the other, in aiding and assisting the negotiation of such treaty stipulations; and should any differences arise as to right or property over the territory through which the said canal shall pass, between the States or Governments of Central America, and such differences should in any way impede or obstruct the execution of the said canal, the Governments of the United States and Great Britain will use their good offices to settle such differences in the manner best suited to promote the interests of the said canal, and to strengthen the bonds of friendship and alliance which exist between the contracting parties.

Differences.

ARTICLE VII.

It being desirable that no time should be unnecessarily lost in commencing and constructing the said canal, the Governments of the United States and Great Britain determine to give their support and encouragement to such persons or company as may first offer to commence the same, with the necessary capital, the consent of the local authorities, and on such principles as accord with the spirit and intention of this convention; and if any persons or company should already have, with any State through which the proposed ship-canal may pass, a contract for the construction of such a canal as that specified in this convention, to the stipulations of which contract neither of the contracting parties in this convention have any just cause to object, and the said persons or company shall, moreover, have made preparations and expended time, money, and trouble on the faith of such contract, it is hereby agreed that such persons or company shall have a priority of claim over every other person, persons, or company to the protection of the Governments of the United States and Great Britain, and be allowed a year from the date of the exchange of the ratifications of this convention for concluding their arrangements and presenting evidence of sufficient capital subscribed to accomplish the contemplated undertaking; it being understood that if, at the expiration of the aforesaid period, such persons or company be not able to commence and carry out the proposed enterprize, then the Governments of the United States and Great Britain shall be free to afford their protection to any other persons or company that shall be prepared to commence and proceed with the construction of the canal in question.

Contract to be entered into without delay.

Priority of claim.

ARTICLE VIII.

The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by

Protection to be extended by treaty stipulations to other communications.

this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

Citizens of other nations.

ARTICLE IX.

The ratifications of this convention shall be exchanged at Washington within six months from this day, or sooner if possible.

Ratifications.

In faith whereof we, the respective Plenipotentiaries, have signed this convention, and have hereunto affixed our seals.

Done at Washington the nineteenth day of April, anno Domini one thousand eight hundred and fifty.

JOHN M. CLAYTON. [L. S.]
HENRY LYTTON BULWER. [L. S.]

GREAT BRITAIN, 1853.

TREATY WITH GREAT BRITAIN. CONCLUDED FEBRUARY 8, 1853; RATIFICATIONS EXCHANGED JULY 26, 1853; PROCLAIMED AUGUST 20, 1853.

Whereas claims have at various times since the signature of the treaty of peace and friendship between the United States of America and Great Britain, concluded at Ghent on the 24th of December, 1814, been made upon the Government of the United States on the part of corporations, companies, and private individuals, subjects of Her Britannic Majesty, and upon the Government of Her Britannic Majesty on the part of corporations, companies, and private individuals, citizens of the United States; and whereas some of such claims are still pending, and remain unsettled: The President of the United States of America, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being of opinion that a speedy and equitable settlement of all such claims will contribute much to the maintenance of the friendly feelings which subsist between the two countries, have resolved to make arrangements for that purpose by means of a Convention, and have named as their Plenipotentiaries to confer and agree thereupon, that is to say:

Preamble.

The President of the United States of America, Joseph Reed Ingersoll, Envoy Extraordinary and Minister Plenipotentiary of the United States to Her Britannic Majesty; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable John Russell, (commonly called Lord John Russell,) a member of Her Britannic Majesty's Most Honourable Privy Council, a member of Parliament, and Her Britannic Majesty's Principal Secretary of State for Foreign Affairs;

Negotiators.

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed as follows:

ARTICLE I.

The high contracting parties agree that all claims on the part of corporations, companies, or private individuals, citizens of the United States upon the Government of Her Britannic Majesty, and all claims on the part of corporations, companies, or private individuals, subjects of Her Britannic Majesty, upon the Government of the United States, which may have been presented to either Government for its interposition with the other since the signature of the treaty of peace and friendship concluded between the United States of America and Great Britain, at Ghent, on the 24th of December, 1814, and which yet remained unsettled, as well as any other such claims which may be presented within the time specified in Article III, hereinafter, shall be referred to two Commissioners, to be appointed in the following manner, that is to say: One Commissioner shall be named by the President of the United States, and one by Her Britannic Majesty. In case of the death, absence, or incapacity of either Commissioner, or in the event of either Commissioner omitting or ceasing to act as such, the President of the United States, or Her Britannic Majesty, respectively, shall forthwith name another person to act as Commissioner in the place or stead of the Commissioner originally named.

Claims to be referred to Commissioners.

How appointed.

The Commissioners so named shall meet at London at the earliest convenient period after they shall have been respectively named; and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favor, or affection to their own country, upon all such claims as shall be laid before them on the part of the Governments of the United States and of Her Britannic Majesty, respectively; and such declaration shall be entered on the record of their proceedings.

Place of meeting.

Declaration of the Commissioners.

The Commissioners shall then, and before proceeding to any other business, name some third person to act as an Arbitrator or Umpire in any case or cases on which they may themselves differ in opinion. If they should not be able to agree upon the name of such third person, they shall each name a person; and in each and every case in which the Commissioners may differ in opinion as to the decision which they ought to give, it shall be determined by lot which of the two persons so named shall be the Arbitrator or Umpire in that particular case. The person or persons so to be chosen to be Arbitrator or Umpire shall, before proceeding to act as such in any case, make and subscribe a solemn declaration in a form similar to that which shall already have been made and subscribed by the Commissioners, which shall be entered on the record of their proceedings. In the event of the death, absence, or incapacity of such person or persons, or of his or their omitting, or declining, or ceasing to act as such Arbitrator or Umpire, another and different person shall be named as aforesaid to act as such Arbitrator or Umpire in the place and stead of the person so originally named as aforesaid, and shall make and subscribe such declaration as aforesaid.

Umpire.

Provision for his not acting.

ARTICLE II.

The Commissioners shall then forthwith conjointly proceed to the investigation of the claims which shall be presented to their notice. They shall investigate and decide upon such claims

Investigation of claims.

in such order and in such manner as they may conjointly think proper, but upon such evidence or information only as shall be furnished by or on behalf of their respective Governments. They shall be bound to receive and peruse all written documents or statements which may be presented to them by or on behalf of their respective Governments, in support of, or in answer to, any claim; and to hear, if required, one person on each side, on behalf of each Government, as counsel or agent for such Government, on each and every separate claim. Should they fail to agree in opinion upon any individual claim, they shall call to their assistance the Arbitrator or Umpire whom they may have agreed to name, or who may be determined by lot, as the case may be; and such Arbitrator or Umpire, after having examined the evidence adduced for and against the claim, and after having heard, if required, one person on each side as aforesaid, and consulted with the Commissioners, shall decide thereupon finally, and without appeal. The decision of the Commissioners, and of the Arbitrator or Umpire, shall be given upon each claim in writing, and shall be signed by them respectively. It shall be competent for each Government to name one person to attend the Commissioners as agent on its behalf, to present and support claims on its behalf, and to answer claims made upon it, and to represent it generally in all matters connected with the investigation and decision thereof.

Agent.

The President of the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland hereby solemnly and sincerely engage to consider the decision of the Commissioners conjointly, or of the Arbitrator or Umpire, as the case may be, as absolutely final and conclusive upon each claim decided upon by them or him, respectively, and to give full effect to such decisions without any objection, evasion, or delay whatsoever.

Decision.

It is agreed that no claim arising out of any transaction of a date prior to the 24th of December, 1814, shall be admissible under this convention.

ARTICLE III.

Every claim shall be presented to the Commissioners within six months from the day of their first meeting, unless in any case where reasons for delay shall be established to the satisfaction of the Commissioners, or of the Arbitrator or Umpire, in the event of the Commissioners differing in opinion thereupon; and then, and in any such case, the period for presenting the claim may be extended to any time not exceeding three months longer.

Time.

The Commissioners shall be bound to examine and decide upon every claim within one year from the day of their first meeting. It shall be competent for the Commissioners conjointly, or for the Arbitrator or Umpire, if they differ, to decide in each case whether any claim has or has not been duly made, preferred, or laid before them, either wholly, or to any and what extent, according to the true intent and meaning of this convention.

Decisions.

ARTICLE IV.

All sums of money which may be awarded by the Commissioners, or by the Arbitrator or Umpire, on account of any claim, shall be paid by the one Government to the other, as the case may be, within twelve months after the date of the decision, without interest, and without any deduction, save as specified in Article VI hereinafter.

Payment.

ARTICLE V.

The high contracting parties engage to consider the result of the proceedings of this commission as a full, perfect, and final settlement of every claim upon either Government arising out of any transaction of a date prior to the exchange of the ratifications of the present convention; and further engage that every such claim, whether or not the same may have been presented to the notice of, made, preferred, or laid before the said commission, shall, from and after the conclusion of the proceedings of the said commission, be considered and treated as finally settled, barred, and thenceforth inadmissible.

Proceedings of the Commissioners to be in full of all claims.

ARTICLE VI.

The Commissioners, and the Arbitrator or Umpire, shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and shall appoint and employ a clerk, or other persons, to assist them in the transaction of the business which may come before them.

Record.

Each Government shall pay to its Commissioner an amount of salary not exceeding three thousand dollars, or six hundred and twenty pounds sterling, a year, which amount shall be the same for both Governments.

Salary of commissioners.

The amount of salary to be paid to the Arbitrator (or Arbitrators, as the case may be) shall be determined by mutual consent at the close of the commission.

The salary of the clerk shall not exceed the sum of fifteen hundred dollars, or three hundred and ten pounds sterling, a year.

Salary of clerk

The whole expenses of the commission, including contingent expenses, shall be defrayed by a rateable deduction on the amount of the sums awarded by the commission; provided always that such deduction shall not exceed the rate of five per cent. on the sums so awarded.

Expenses of the commission

The deficiency, if any, shall be defrayed in moieties by the two Governments.

ARTICLE VII.

The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratifications shall be exchanged at London as soon as may be within twelve months from the date hereof.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London the eighth day of February, in the year of our Lord one thousand eight hundred and fifty-three.

J. R. INGERSOLL. [L. S.]
J. RUSSELL. [L. S.]

GREAT BRITAIN, 1854.

RECIPROCITY TREATY WITH GREAT BRITAIN. CONCLUDED JUNE 5, 1854; RATIFICATIONS EXCHANGED SEPTEMBER 9, 1854; PROCLAIMED SEPTEMBER 11, 1854.

The Government of the United States being equally desirous with Her Majesty the Queen of Great Britain to avoid further misunderstanding between their respective citizens and

Preamble.

subjects in regard to the extent of the right of fishing on the coasts of British North America, secured to each by article I of a convention between the United States and Great Britain, signed at London on the 20th day of October, 1818; and being also desirous to regulate the commerce and navigation between their respective territories and people, and more especially between Her Majesty's possessions in North America and the United States, in such manner as to render the same reciprocally beneficial and satisfactory, have, respectively, named Plenipotentiaries to confer and agree thereupon, that is to say:

Negotiators.

The President of the United States of America, William L. Marcy, Secretary of State of the United States, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, James, Earl of Elgin and Kincardine, Lord Bruce and Elgin, a peer of the United Kingdom, Knight of the most ancient and most noble Order of the Thistle, and Governor General in and over all Her Britannic Majesty's provinces on the continent of North America, and in and over the island of Prince Edward;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

United States allowed certain privileges in the fisheries.

It is agreed by the high contracting parties that in addition to the liberty secured to the United States fishermen by the above-mentioned convention of October 20, 1818, of taking, curing, and drying fish on certain coasts of the British North American Colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty to take fish of every kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbors, and creeks of Canada, New Brunswick, Nova Scotia, Prince Edward's Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the coasts and shores of those colonies and the islands thereof, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coast in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that the salmon and shad fisheries, and all fisheries in rivers and the mouths of rivers, are hereby reserved exclusively for British fishermen.

Reserved fisheries.

And it is further agreed that, in order to prevent or settle any disputes as to the places to which the reservation of exclusive right to British fishermen contained in this article, and that of fishermen of the United States contained in the next succeeding article, apply, each of the high contracting parties, on the application of either to the other, shall, within six months thereafter, appoint a Commissioner. The said Commissioners, before proceeding to any business, shall make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favor, or affection to their own country, upon all such places as are intended to be reserved and excluded from the common liberty of fishing under this and the next succeeding article; and such declaration shall be entered on the record of their proceedings.

The Commissioners shall name some third person to act as an Arbitrator or Umpire in any case or cases on which they may themselves differ in opinion. If they should not be able to agree upon the name of such third person, they shall each name a person, and it shall be determined by lot which of the two persons so named shall be the Arbitrator or Umpire in cases of difference or disagreement between the Commissioners. The person so to be chosen to be Arbitrator or Umpire shall, before proceeding to act as such in any case, make and subscribe a solemn declaration in a form similar to that which shall already have been made and subscribed by the Commissioners, which shall be entered on the record of their proceedings. In the event of the death, absence, or incapacity of either of the Commissioners, or of the Arbitrator or Umpire, or of their or his omitting, declining, or ceasing to act as such Commissioner, Abitrator, or Umpire, another and different person shall be appointed or named as aforesaid to act as such Commissioner, Arbitrator, or Umpire, in the place and stead of the person so originally appointed or named as aforesaid, and shall make and subscribe such declaration as aforesaid.

Umpire.

Such Commissioners shall proceed to examine the coasts of the North American provinces and of the United States, embraced within the provisions of the first and second articles of this treaty, and shall designate the places reserved by the said articles from the common right of fishing therein.

The decision of the Commissioners and of the Arbitrator or Umpire shall be given in writing in each case, and shall be signed by them respectively.

The high contracting parties hereby solemnly engage to consider the decision of the Commissioners conjointly, or of the Arbitrator or Umpire, as the case may be, as absolutely final and conclusive in each case decided upon by them or him respectively.

ARTICLE II.

It is agreed by the high contracting parties that British subjects shall have, in common with the citizens of the United States the liberty to take fish of every kind, except shell-fish, on the eastern sea-coasts and shores of the United States north of the 36th parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbors, and creeks of the said sea-coasts and shores of the United States and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish: Provided, that, in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

Rights of British subjects in American fisheries.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that salmon and shad fisheries, and all fisheries in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

ARTICLE III.

It is agreed that the articles enumerated in the schedule hereunto annexed, being the growth and produce of the aforesaid British colonies or of the United States, shall be admitted into each country respectively free of duty:

Certain articles to be admitted into the other country free.

Schedule.

Grain, flour, and breadstuffs, of all kinds.
Animals of all kinds.
Fresh, smoked, and salted meats.
Cotton-wool, seeds, and vegetables.
Undried fruits, dried fruits.
Fish of all kinds.
Products of fish, and of all other creatures living in the water.
Poultry, eggs.
Hides, furs, skins, or tails, undressed.
Stone or marble, in its crude or unwrought state.
Slate.
Butter, cheese, tallow.
Lard, horns, manures.
Ores of metals, of all kinds.
Coal.
Pitch, tar, turpentine, ashes.
Timber and lumber of all kinds, round, hewed, and sawed, unmanufactured in whole or in part.
Firewood.
Plants, shrubs, and trees.
Pelts, wool.
Fish-oil.
Rice, broom-corn, and bark.
Gypsum, ground or unground.
Hewn, or wrought, or unwrought burr or grindstones.
Dyestuffs.
Flax, hemp, and tow, unmanufactured.
Unmanufactured tobacco.
Rags.*

ARTICLE IV.

Rights of Americans in the St. Lawrence and the Canadian canals.

It is agreed that the citizens and inhabitants of the United States shall have the right to navigate the River St. Lawrence, and the canals in Canada used as the means of communicating between the great lakes and the Atlantic Ocean, with their vessels, boats, and crafts, as fully and freely as the subjects of Her Britannic Majesty, subject only to the same tolls and other assessments as now are, or may hereafter be, exacted of Her Majesty's said subjects; it being understood, however, that the British Government retains the right of suspending this privilege on giving due notice thereof to the Government of the United States.

It is further agreed that if at any time the British Government should exercise the said reserved right, the Government of the United States shall have the right of suspending, if it think fit, the operations of Art. III of the present treaty, in so far as the province of Canada is affected thereby, for so long as the suspension of the free navigation of the River St. Lawrence or the canals may continue.

Rights of British subjects in Lake Michigan.

It is further agreed that British subjects shall have the right freely to navigate Lake Michigan with their vessels, boats, and crafts so long as the privilege of navigating the river St. Lawrence, secured to American citizens by the above clause

* See act of 1854, ch. 269, and act of 1855, ch. 144, carrying out the provisions of this treaty.

of the present article, shall continue; and the Government of the United States further engages to urge upon the State governments to secure to the subjects of Her Britannic Majesty the use of the several State canals on terms of equality with the inhabitants of the United States.

And it is further agreed that no export duty, or other duty, shall be levied on lumber or timber of any kind cut on that portion of the American territory in the State of Maine watered by the river St. John and its tributaries, and floated down that river to the sea, when the same is shipped to the United States from the province of New Brunswick.

Duty on Maine lumber on the St. John.

ARTICLE V.

The present treaty shall take effect as soon as the laws required to carry it into operation shall have been passed by the Imperial Parliament of Great Britain and by the Provincial Parliaments of those of the British North American colonies which are affected by this treaty on the one hand, and by the Congress of the United States on the other. Such assent having been given, the treaty shall remain in force for ten years from the date at which it may come into operation, and further until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of ten years, or at any time afterwards.

Conditions on which this treaty shall take effect.

Termination.

It is clearly understood, however, that this stipulation is not intended to affect the reservation made by article IV of the present treaty, with regard to the right of temporarily suspending the operation of articles III and IV thereof.

ARTICLE VI.

And it is hereby further agreed that the provisions and stipulations of the foregoing articles shall extend to the island of Newfoundland, so far as they are applicable to that colony. But if the Imperial Parliament, the Provincial Parliament of Newfoundland, or the Congress of the United States shall not embrace in their laws, enacted for carrying this treaty into effect, the colony of Newfoundland, then this article shall be of no effect; but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair the remaining articles of this treaty.

Newfoundland.

ARTICLE VII.

The present treaty shall be duly ratified, and the mutual exchange of ratifications shall take place in Washington within six months from the date hereof, or earlier if possible.

In faith whereof we, the respective Plenipotentiaries, have signed this treaty and have hereunto affixed our seals.

Done in triplicate, at Washington, the fifth day of June, anno Domini one thousand eight hundred and fifty-four.

W. L. MARCY. [L. S.]
ELGIN & KINCARDINE. [L. S.]

[The preceding treaty was terminated on March 17, 1866, in virtue of notice given by the United States March 17, 1865, pursuant to article five.]

GREAT BRITAIN, 1854.

TREATY WITH GREAT BRITAIN. CONCLUDED JULY 17, 1854; RATIFICATIONS EXCHANGED AUGUST 18, 1854; PROCLAIMED SEPTEMBER 11, 1854.

Preamble.

Whereas a convention was concluded on the 8th day of February, 1853, between the United States of America and Her Britannic Majesty, for the settlement of outstanding claims, by a mixed commission, limited to endure for twelve months from the day of the first meeting of the Commissioners; and whereas doubts have arisen as to the practicability of the business of the said commission being concluded within the period assigned, the President of the United States, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, are desirous that the time originally fixed for the duration of the commission should be extended, and to this end have named Plenipotentiaries to agree upon the best mode of effecting this object, that is to say: The President of the United States, the Honorable William L. Marcy, Secretary of State of the United States, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, John Fiennes Crampton, Esq're, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary at Washington; who have agreed as follows:

ARTICLE I.

Time for termination of commission on claims extended.

The high contracting parties agree that the time limited in the convention above referred to for the termination of the commission shall be extended for a period not exceeding four months from the 15th of September next, should such extension be deemed necessary by the Commissioners, or the Umpire in case of their disagreement; it being agreed that nothing contained in this article shall in any wise alter or extend the time originally fixed in the said convention for the presentation of claims to the Commissioners.

ARTICLE II.

The present convention shall be ratified, and the ratifications shall be exchanged at London, as soon as possible within four months from the date thereof.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Washington the seventeenth day of July, in the year of our Lord one thousand eight hundred and fifty-four.

W. L. MARCY. [L. S.]
JOHN F. CRAMPTON. [L. S.]

GREAT BRITAIN, 1862.

TREATY BETWEEN THE UNITED STATES AND GREAT BRITAIN FOR THE SUPPRESSION OF THE SLAVE TRADE. CONCLUDED AT WASHINGTON APRIL 7, 1862; RATIFICATIONS EXCHANGED MAY 20, 1862; PROCLAIMED JUNE 7, 1862.

Treaty between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, for the suppression of the African slave trade.

Object of treaty.

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous to render more effectual the means hitherto adopted for

the suppression of the slave trade carried on upon the coast of Africa, have deemed it expedient to conclude a treaty for that purpose, and have named as their Plenipotentiaries, that is to say:

Plenipotentiaries.

The President of the United States of America, William H. Seward, Secretary of State, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable Richard Bickerton Pemell, Lord Lyons, a peer of her United Kingdom, a Knight Grand Cross of her most honorable Order of the Bath, and her Envoy Extraordinary and Minister Plenipotentiary to the United States of America;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

Certain war vessels may visit certain merchant vessels reasonably supposed to be engaged in the slave trade.

The two high contracting parties mutually consent that those ships of their respective navies which shall be provided with special instructions for that purpose, as hereinafter mentioned, may visit such merchant vessels of the two nations as may, upon reasonable grounds, be suspected of being engaged in the African slave trade, or of having been fitted out for that purpose; or of having, during the voyage on which they are met by the said cruisers, been engaged in the African slave trade, contrary to the provisions of this treaty; and that such cruisers may detain, and send or carry away, such vessels, in order that they may be brought to trial in the manner hereinafter agreed upon.

In order to fix the reciprocal right of search in such a manner as shall be adapted to the attainment of the object of this treaty, and at the same time avoid doubts, disputes, and complaints, the said right of search shall be understood in the manner and according to the rules following:

First. It shall never be exercised except by vessels of war, authorized expressly for that object, according to the stipulations of this treaty.

Secondly. The right of search shall in no case be exercised with respect to a vessel of the navy of either of the two Powers, but shall be exercised only as regards merchant vessels; and it shall not be exercised by a vessel of war of either contracting party within the limits of a settlement or port, nor within the territorial waters of the other party.

Mode of search.

Thirdly. Whenever a merchant vessel is searched by a ship of war, the commander of the said ship shall, in the act of so doing, exhibit to the commander of the merchant vessel the special instructions by which he is duly authorized to search; and shall deliver to such commander a certificate, signed by himself, stating his rank in the naval service of his country, and the name of the vessel he commands, and also declaring that the only object of the search is to ascertain whether the vessel is employed in the African slave trade, or is fitted up for the said trade. When the search is made by an officer of the cruiser, who is not the commander, such officer shall exhibit to the captain of the merchant vessel a copy of the before-mentioned special instructions, signed by the commander of the cruiser; and he shall in like manner deliver a certificate signed by himself, stating his rank in the navy, the name of the commander by whose orders he proceeds to make the search, that of the cruiser in which he sails, and the object of the search, as above described. If it appears from the search that the papers of the vessel are in regular order, and that it is employed on

lawful objects, the officer shall enter in the log-book of the vessel that the search has been made in pursuance of the aforesaid special instructions; and the vessel shall be left at liberty to pursue its voyage. The rank of the officer who makes the search must not be less than that of lieutenant in the navy, unless the command, either by reason of death or other cause, is at the time held by an officer of inferior rank.

Within what limits the right of search to be exercised.

Fourthly. The reciprocal right of search and detention shall be exercised only within the distance of two hundred miles from the coast of Africa, and to the southward of the thirty-second parallel of north latitude, and within thirty leagues from the coast of the island of Cuba.

ARTICLE II.

In order to regulate the mode of carrying the provisions of the preceding article into execution, it is agreed—

Ships of war to be furnished with copy of treaty and instructions.

First. That all the ships of the navies of the two nations which shall be hereafter employed to prevent the African slave trade shall be furnished by their respective Governments with a copy of the present treaty, of the instructions for cruisers annexed thereto, (marked A,) and of the regulations for the mixed courts of justice annexed thereto, (marked B,) which annexes respectively shall be considered as integral parts of the present treaty.

Each nation to give the other the names, &c., of war vessels so employed.

Rank of commanders.

Secondly. That each of the high contracting parties shall, from time to time, communicate to the other the names of the several ships furnished with such instructions, the force of each, and the names of their several commanders. The said commanders shall hold the rank of captain in the navy, or at least that of lieutenant; it being nevertheless understood that the instructions originally issued to an officer holding the rank of lieutenant of the navy, or other superior rank, shall, in case of his death or temporary absence, be sufficient to authorize the officer on whom the command of the vessel has devolved to make the search, although such officer may not hold the aforesaid rank in the service.

Mode of procedure when suspected vessel is under convoy.

Thirdly. That if at any time the commander of a cruiser of either of the two nations shall suspect that any merchant vessel under the escort or convoy of any ship or ships of war of the other nation carries negroes on board, or has been engaged in the African slave trade, or is fitted out for the purpose thereof, the commander of the cruiser shall communicate his suspicions to the commander of the convoy, who, accompanied by the commander of the cruiser, shall proceed to the search of the suspected vessel; and in case the suspicions appear well founded, according to the tenor of this treaty, then the said vessel shall be conducted or sent to one of the places where the mixed courts of justice are stationed, in order that it may there be adjudicated upon.

Fourthly. It is further mutually agreed that the commanders of the ships of the two navies, respectively, who shall be employed on this service, shall adhere strictly to the exact tenor of the aforesaid instructions.

ARTICLE III.

Losses by wrongful detention.

As the two preceding articles are entirely reciprocal, the two high contracting parties engage mutually to make good any losses which their respective subjects or citizens may incur by an arbitrary and illegal detention of their vessels; it being under-

derstood that this indemnity shall be borne by the Government whose cruiser shall have been guilty of such arbitrary and illegal detention; and that the search and detention of vessels specified in the first article of this treaty shall be effected only by ships which may form part of the two navies, respectively, and by such of those ships only as are provided with the special instructions annexed to the present treaty, in pursuance of the provisions thereof. The indemnification for the damages of which this article treats shall be paid within the term of one year, reckoning from the day in which the mixed court of justice pronounces its sentence.

Indemnity.

ARTICLE IV.

In order to bring to adjudication with as little delay and inconvenience as possible the vessels which may be detained according to the tenor of the first article of this treaty, there shall be established, as soon as may be practicable, three mixed courts of justice, formed of an equal number of individuals of the two nations, named for this purpose by their respective Governments. These courts shall reside, one at Sierra Leone, one at the Cape of Good Hope, and one at New York.

Three mixed courts to be established.

Places of courts.

But each of the two high contracting parties reserves to itself the right of changing, at its pleasure, the place of residence of the court or courts held within its own territories.

These courts shall judge the causes submitted to them according to the provisions of the present treaty, and according to the regulations and instructions which are annexed to the present treaty, and which are considered an integral part thereof; and there shall be no appeal from their decision.

Duties of courts.

ARTICLE V.

In case the commanding officer of any of the ships of the navies of either country, duly commissioned according to the provisions of the first article of this treaty, shall deviate in any respect from the stipulations of the said treaty, or from the instructions annexed to it, the Government which shall conceive itself to be wronged thereby shall be entitled to demand reparation; and in such case the Government to which such commanding officer may belong binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the said officer a punishment proportioned to any wilful transgression which he may be proved to have committed.

Reparation for wrongful acts of officers.

Punishment of such officer.

ARTICLE VI.

It is hereby further mutually agreed that every American or British merchant vessel which shall be searched by virtue of the present treaty, may lawfully be detained, and sent or brought before the mixed courts of justice established in pursuance of the provisions thereof, if, in her equipment, there shall be found any of the things hereinafter mentioned, namely:

Merchant vessels may be detained for certain causes.

1st. Hatches with open gratings, instead of the close hatches, which are usual in merchant vessels.

2nd. Divisions or bulkheads in the hold or on deck, in greater number than are necessary for vessels engaged in lawful trade.

3rd. Spare plank fitted for laying down as a second or slave deck.

4th. Shackles, bolts, or handcuffs.

5th. A larger quantity of water in casks or in tanks than is requisite for the consumption of the crew of the vessel as a merchant vessel.

6th. An extraordinary number of water-casks, or of other vessels for holding liquid; unless the master shall produce a certificate from the custom-house at the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such vessel that such extra quantity of casks, or of other vessels, should be used only to hold palm-oil, or for other purposes of lawful commerce.

7th. A greater number of mess-tubs or kids than requisite for the use of the crew of the vessel as a merchant vessel.

8th. A boiler, or other cooking apparatus, of an unusual size, and larger, or capable of being made larger, than requisite for the use of the crew of the vessel as a merchant vessel; or more than one boiler, or other cooking apparatus, of the ordinary size.

9th. An extraordinary quantity of rice, of the flour of Brazil, of manioc or cassada, commonly called farinha, of maize, or of Indian corn, or of any other article of food whatever, beyond the probable wants of the crew; unless such rice, flour, farinha, maize, Indian corn, or other article of food be entered on the manifest as part of the cargo for trade.

10th. A quantity of mats or matting greater than is necessary for the use of the crew of the vessel as a merchant vessel; unless such mats or matting be entered on the manifest as part of the cargo for trade.

Proof that such articles are on board.

If it be proved that any one or more of the articles above specified is or are on board, or have been on board during the voyage in which the vessel was captured, that fact shall be considered as prima-facie evidence that the vessel was employed in the African slave trade, and she shall in consequence be condemned and declared lawful prize; unless the master or owners shall furnish clear and incontrovertible evidence, proving to the satisfaction of the mixed court of justice, that at the time of her detention or capture the vessel was employed in a lawful undertaking, and that such of the different articles above specified as were found on board at the time of detention, or as may have been embarked during the voyage on which she was engaged when captured, were indispensable for the lawful object of her voyage.

ARTICLE VII.

Damages.

If any one of the articles specified in the preceding article as grounds for condemnation should be found on board a merchant vessel, or should be proved to have been on board of her during the voyage on which she was captured, no compensation for losses, damages, or expenses consequent upon the detention of such vessel shall, in any case, be granted either to the master, the owner, or any other person interested in the equipment or in the lading, even though she should not be condemned by the mixed court of justice.

ARTICLE VIII.

Vessels condemned under this treaty.

It is agreed between the two high contracting parties that in all cases in which a vessel shall be detained under this treaty, by their respective cruisers, as having been engaged in the African slave trade, or as having been fitted out for the purposes thereof, and shall consequently be adjudged and condemned by one of

the mixed courts of justice to be established as aforesaid, the said vessel shall, immediately after its condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up; unless either of the two Governments should wish to purchase her for the use of its navy, at a price to be fixed by a competent person chosen for that purpose by the mixed court of justice, in which case the Government whose cruiser shall have detained the condemned vessel shall have the first option of purchase.

Article IX.

Owners, officers, and crew of condemned vessels.

The captain, master, pilot, and crew of any vessel condemned by the mixed courts of justice shall be punished according to the laws of the country to which such vessel belongs, as shall also the owner or owners and the persons interested in her equipment or cargo, unless they prove that they had no participation in the enterprise.

Persons on board such vessels.

For this purpose the two high contracting parties agree that, in so far as it may not be attended with grievous expense and inconvenience, the master and crew of any vessel which may be condemned by a sentence of one of the mixed courts of justice, as well as any other persons found on board the vessel, shall be sent and delivered up to the jurisdiction of the nation under whose flag the condemned vessel was sailing at the time of capture; and that the witnesses and proofs necessary to establish the guilt of such master, crew, or other persons shall also be sent with them.

Subjects of either Power found in condemned vessels of a third Power.

The same course shall be pursued with regard to subjects or citizens of either contracting party who may be found by a cruiser of the other on board a vessel of any third Power, or on board a vessel sailing without flag or papers, which may be condemned by any competent court for having engaged in the African slave trade.

Article X.

Negroes found on board condemned vessels.

The negroes who are found on board of a vessel condemned by the mixed courts of justice, in conformity with the stipulations of this treaty, shall be placed at the disposal of the Government whose cruiser has made the capture. They shall be immediately set at liberty, and shall remain free, the Government to whom they have been delivered guaranteeing their liberty.

Article XI.

Instruments annexed to treaty.

The acts or instruments annexed to this treaty, and which it is mutually agreed shall form an integral part thereof, are as follows:

(A.) Instructions for the ships of the navies of both nations, destined to prevent the African slave trade.

(B.) Regulations for the mixed courts of justice.

Article XII.

The present treaty shall be ratified, and the ratifications thereof shall be exchanged at London, in six months from this date, or sooner if possible. It shall continue and remain in full force for the term of ten years from the day of exchange of the ratifications, and further, until

the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same, each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of ten years; and it is hereby agreed between them that, on the expiration of one year after such notice shall have been received by either from the other party, this treaty shall altogether cease and determine.

In witness whereof the respective Plenipotentiaries have signed the present treaty, and have thereunto affixed the seal of their arms.

Done at Washington the seventh day of April, in the year of our Lord one thousand eight hundred and sixty-two.

WILLIAM H. SEWARD. [L. S.]
LYONS. [L. S.]

ANNEX (A) TO THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN, FOR THE SUPPRESSION OF THE AFRICAN SLAVE TRADE. SIGNED AT WASHINGTON ON THE 7TH DAY OF APRIL, 1862.

Instructions for the ships of the United States and British navies employed to prevent the African slave trade.

ARTICLE I.

Instructions for ships of war.

The commander of any ship belonging to the United States or British navy which shall be furnished with these instructions shall have a right to search and detain any United States or British merchant vessel which shall be actually engaged, or suspected to be engaged, in the African slave trade, or to be fitted out for the purposes thereof, or to have been engaged in such trade during the voyage in which she may be met with by such ship of the United States or British navy;

Vessels to be sent for judgment.

and such commander shall thereupon bring or send such merchant vessel (save in the case provided for in Article V of these instructions) as soon as possible for judgment before one of the three mixed courts of justice established in virtue of the IVth article of the said treaty, that is to say:

If the vessel shall be detained on the coast of Africa, she shall be brought before that one of the two mixed courts of justice to be established at the Cape of Good Hope and at Sierra Leone which may be nearest to the place of detention, or which the captor, on his own responsibility, may think can be soonest reached from such place.

If the vessel shall be detained on the coast of the Island of Cuba, she shall be brought before the mixed court of justice at New York.

ARTICLE II.

Search.

Whenever a ship of either of the two navies, duly authorized as aforesaid, shall meet a merchant vessel liable to be searched under the provisions of the said treaty, the search shall be conducted with the courtesy and consideration which ought to be observed between allied and friendly nations; and the search shall, in all cases, be made by an officer holding a rank not lower than that of lieutenant in the navy, or by the officer who at the time shall be second in command of the ship by which such search is made.

ARTICLE III.

The commander of any ship of the two navies, duly authorized as aforesaid, who may detain any merchant-vessel in pursuance of the tenor of the present instructions, shall leave on board the vessel so detained the master, the mate or boatswain, and two or three, at least, of the crew, the whole of the negroes, if any, and all the cargo. The captor shall, at the time of detention, draw up, in writing, a declaration, which shall exhibit the state in which he found the detained vessel. Such declaration shall be signed by himself, and shall be given in or sent, together with the captured vessel, to the mixed court of justice before which such vessel shall be carried or sent for adjudication. He shall deliver to the master of the detained vessel a signed and certified list of the papers found on board the same, as well as a certificate of the number of negroes found on board at the moment of detention.

Who and what to be left on board detained vessels.

In the declaration which the captor is hereby required to make, as well as in the certified list of the papers seized, and in the certificate of the number of negroes found on board the detained vessel, he shall insert his own name and surname, the name of the capturing ship, and the latitude and longitude of the place where the detention shall have been made.

The officer in charge of the detained vessel shall, at the time of bringing the vessel's papers into the mixed court of justice, deliver into the court a certificate, signed by himself and verified on oath, stating any changes which may have taken place in respect to the vessel, her crew, the negroes, if any, and her cargo, between the period of her detention and the time of delivering in such paper.

ARTICLE IV.

If urgent reasons arising from the length of the voyage, the state of health of the negroes, or any other cause, should require that either the whole or a portion of such negroes should be disembarked before the vessel can arrive at the place at which one of the mixed courts of justice is established, the commander of the capturing ship may take upon himself the responsibility of so disembarking the negroes, provided the necessity of the disembarkation, and the causes thereof, be stated in a certificate in proper form. Such certificate shall be drawn up and entered at the time on the log-book of the detained vessel.

When negroes may be disembarked.

ARTICLE V.

In case any merchant vessel detained in pursuance of the present instructions should prove to be unseaworthy, or in such a condition as not to be taken to one of the three ports where the mixed courts of justice are to be established in pursuance of the treaty of this date, the commander of the detaining cruiser may take upon himself the responsibility of abandoning or destroying her, provided the exact causes which made such a step imperatively necessary be stated in a certificate verified on oath. Such certificate shall be drawn up and formally executed in duplicate at the time.

In case of the abandonment or destruction of a detained vessel, the master and crew, together with the negroes and papers found on board, and one copy of the sworn certificate mentioned in the preceding paragraph of this article, shall be sent and delivered to the proper mixed court of justice at the earliest possible moment.

The undersigned Plenipotentiaries have agreed, in conformity with the XIth article of the treaty signed by them on this day, that the present instructions shall be annexed to the said treaty and be considered an integral part thereof.

Done at Washington the seventh day of April, in the year of our Lord one thousand eight hundred and sixty-two.

WILLIAM H. SEWARD. [L. S.]
LYONS. [L. S.]

ANNEX (B) TO THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN, FOR THE ABOLITION OF THE AFRICAN SLAVE TRADE. SIGNED AT WASHINGTON ON THE 7TH DAY OF APRIL, 1862.

Regulations for the mixed courts of justice.

ARTICLE I.

Regulations for mixed courts of justice.

The mixed courts of justice to be established under the provisions of the treaty of which these regulations are declared to be an integral part, shall be composed in the following manner:

The two high contracting parties shall each name a judge and an arbitrator, who shall be authorized to hear and to decide, without appeal, all cases of capture or detention of vessels which, in pursuance of the stipulations of the aforesaid treaty, shall be brought before them.

The judges and the arbitrators shall, before they enter upon the duties of their office, respectively make oath before the principal magistrate of the place in which such courts shall respectively reside, that they will judge fairly and faithfully; that they will have no preference either for claimant or for captor; and that they will act in all their decisions in pursuance of the stipulations of the aforesaid treaty.

There shall be attached to each of such courts a secretary or registrar, who shall be appointed by the party in whose territories such court shall reside.

Such secretary or registrar shall register all the acts of the court to which he is appointed; and shall, before he enters upon his office, make oath before the court that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality in all matters relating to his office.

The salaries of the judges and arbitrators shall be paid by the Governments by whom they are appointed.

The salary of the secretary or registrar of the court to be established in the territories of the United States shall be paid by the United States Government; and that of the secretaries or registrars of the two courts to be established in the territories of Great Britain shall be paid by Her Britannic Majesty.

Each of the two Governments shall defray half of the aggregate amount of the other expenses of such courts.

ARTICLE II.

Expenses.

The expenses incurred by the officer charged with the reception, maintenance, and care of the detained vessel, negroes, and cargo, and with the execution of the sentence, and all disbursements occasioned by bringing a vessel to adjudication, shall, in case of condemnation, be defrayed from the funds arising out of the sale of the

materials of the vessel, after the vessel shall have been broken up, of the ship's stores, and of such parts of the cargo as shall consist of merchandise. And in case the proceeds arising out of this sale should not prove sufficient to defray such expenses, the deficiency shall be made good by the Government of the country within whose territories the adjudication shall have taken place.

If the detained vessel shall be released, the expenses occasioned by bringing her to adjudication shall be defrayed by the captor, except in the cases specified and otherwise provided for under Article VII of the treaty to which these regulations form an annex, and under Article VII of these regulations.

Expenses of released vessel.

ARTICLE III.

The mixed courts of justice are to decide upon the legality of the detention of such vessels as the cruisers of either nation shall detain in pursuance of the said treaty.

Courts, jurisdiction.

The said courts shall adjudge definitively, and without appeal, all questions which shall arise out of the capture and detention of such vessels.

The proceedings of the courts shall take place as summarily as possible; and for this purpose the courts are required to decide each case, as far as may be practicable, within the space of twenty days, to be dated from the day on which the detained vessels shall have been brought into the port where the deciding court shall reside.

Decisions.

The final sentence shall not in any case be delayed beyond the period of two months, either on account of the absence of witnesses or for any other cause, except upon the application of any of the parties interested; but in that case, upon such party or parties giving satisfactory security that they will take upon themselves the expense and risks of the delay, the courts may, at their discretion, grant an additional delay, not exceeding four months.

Final sentence.

Either party shall be allowed to employ such counsel as he may think fit, to assist him in the conduct of his cause.

Counsel.

All the acts and essential parts of the proceedings of the said courts shall be committed to writing and be placed upon record.

ARTICLE IV.

The form of the process, or mode of proceeding to judgment, shall be as follows:

Mode of procedure of the courts.

The judges appointed by the two Governments, respectively, shall in the first place proceed to examine the papers of the detained vessel, and shall take the depositions of the master or commander, and of two or three, at least, of the principal individuals on board of such vessel; and shall also take the declaration on oath of the captor, if it should appear to them necessary to do so, in order to judge and to pronounce whether the said vessel has been justly detained or not, according to the stipulations of the aforesaid treaty, and in order that, according to such judgment, the vessel may be condemned or released. In the event of the two judges not agreeing as to the sentence which they ought to pronounce in any case brought before them, whether with respect to the legality of the detention, or the liability of the vessel to condemnation, or as to the indemnification to be allowed, or as to any other question which may arise out of the said capture, or in case any difference of opinion should arise between them as to the mode of proceeding in the

said court, they shall draw by lot the name of one of the two arbitrators so appointed as aforesaid, which arbitrator, after having considered the proceedings which have taken place, shall consult with the two judges on the case; and the final sentence or decision shall be pronounced conformably to the opinion of the majority of the three.

ARTICLE V.

Proceedings if detained vessel is restored.

If the detained vessel shall be restored by the sentence of the court, the vessel and the cargo, in the state in which they shall then be found, (with the exception of the negroes found on board, if such negroes shall have been previously disembarked under the provisions of Articles IV and V of the instructions annexed to the treaty of this date,) shall forthwith be given up to the master, or to the person who represents him; and such master or other person may, before the same court, claim a valuation of the damages which he may have a right to demand. The captor himself, and, in his default, his Government, shall remain responsible for the damages to which the master of such vessel, or the owners either of the vessel or of her cargo, may be pronounced to be entitled.

Damages.

The two high contracting parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be awarded by the court; it being mutually agreed that such costs and damages shall be paid by the Government of the country of which the captor shall be a subject.

ARTICLE VI.

Proceedings when detained vessel is condemned.

If the detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo, of whatever description it may be, with the exception of the negroes who shall have been brought on board for the purpose of trade; and the said vessel, subject to the stipulations in the VIIIth article of the treaty of this date, shall, as well as her cargo, be sold by public sale for the profit of the two Governments, subject to the payment of the expenses hereinafter mentioned.

The negroes who may not previously have been disembarked shall receive from the court a certificate of emancipation, and shall be delivered over to the Government to whom the cruiser which made the capture belongs, in order to be forthwith set at liberty.

ARTICLE VII.

Damages.

The mixed courts of justice shall also take cognizance of, and shall decide definitively and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes which shall have been detained under the provisions of this treaty, but which shall not have been condemned as legal prize by the said courts; and in all cases wherein restitution of such vessels and cargoes shall be decreed, save as mentioned in the VIIth article of the treaty to which these regulations form an annex, and in a subsequent part of these regulations, the court shall award to the claimant or claimants, or to his or their lawful attorney or attorneys, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the owner or owners may have actually sus-

tained by such capture and detention; and it is agreed that the indemnification shall be as follows:

First. In case of total loss, the claimant or claimants shall be indemnified—

(A.) For the ship, her tackle, equipment, and stores.

(B.) For all freights due and payable.

(C.) For the value of the cargo of merchandise, if any, deducting all charges and expenses which would have been payable upon the sale of such cargo, including commission of sale.

(D.) For all other regular charges in such case of total loss.

Secondly. In all other cases (save as hereinafter mentioned) not of total loss, the claimant or claimants shall be indemnified—

(A.) For all special damages and expenses occasioned to the ship by the detention, and for loss of freight, when due or payable.

(B.) For demurrage when due, according to the schedule annexed to the present article.

(C.) For any deterioration of the cargo.

(D.) For all premium of insurance on additional risks.

The claimant or claimants shall be entitled to interest at the rate of 5 (five) per cent. per annum on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs. The whole amount of such indemnifications shall be calculated in the money of the country to which the detained vessel belongs, and shall be liquidated at the exchange current at the time of the award.

Demurrage.

The two high contracting parties, however, have agreed, that if it shall be proved to the satisfaction of the judges of the two nations, and without having recourse to the decision of an arbitrator, that the captor has been led into error by the fault of the master or commander of the detained vessel, the detained vessel in that case shall not have the right of receiving, for the time of her detention, the demurrage stipulated by the present article, nor any other compensation for losses, damages, or expenses consequent upon such detention.

Schedule of demurrage or daily allowance for a vessel of—

100	tons to	120,	inclusive	£5	per	diem
121	"	150,	"	6	"	
151	"	170,	"	8	"	
171	"	200,	"	10	"	
201	"	220,	"	11	"	
221	"	250,	"	12	"	
251	"	270,	"	14	"	
271	"	300,	"	15	"	

And so on in proportion.

Article VIII.

Judges, registrars, &c., not to demand or receive gifts, &c.

Neither the judges, nor the arbitrators, nor the secretaries or registrars of the mixed courts of justice, shall demand or receive from any of the parties concerned in the cases which shall be brought before such courts any emolument or gift, under any pretext whatsoever, for the performance of the duties which such judges, arbitrators, and secretaries or registrars have to perform.

Article IX.

Vacancies.

The two high contracting parties have agreed that, in the event of the death, sickness, absence on leave, or any other legal impediment of one or more of the judges or arbitrators com-

posing the above-mentioned courts, respectively, the post of such judge or arbitrator shall be supplied, ad interim, in the following manner:

First. On the part of the United States, and in that court which shall sit within their territories: If the vacancy be that of the United States judge, his place shall be filled by the United States arbitrator; and either in that case, or in case the vacancy be originally that of the United States arbitrator, the place of such arbitrator shall be filled by the judge of the United States for the southern district of New York; and the said court, so constituted as above, shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same and pass sentence accordingly.

Secondly. On the part of the United States of America, and in those courts which shall sit within the possessions of Her Britannic Majesty: If the vacancy be that of the United States judge, his place shall be filled by the United States arbitrator; and either in that case, or in case the vacancy be originally that of the United States arbitrator, his place shall be filled by the United States Consul, or, in the unavoidable absence of the Consul, by the United States Vice-Consul. In case the vacancy be both of the United States judge and of the United States arbitrator, then the vacancy of the judge shall be filled by the United States Consul, and that of the United States arbitrator by the United States Vice-Consul. But if there be no United States Consul or Vice-Consul to fill the place of the United States arbitrator, then the British arbitrator shall be called in in those cases in which the United States arbitrator would be called in; and in case the vacancy be both of the United States judge and of the United States arbitrator, and there be neither United States Consul nor Vice-Consul to fill ad interim the vacancies, then the British judge and the Brish arbitrator shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same and pass sentence accordingly.

Thirdly. On the part of Her Britannic Majesty, and in those courts which shall sit within the possessions of her said Majesty: If the vacancy be that of the British judge, his place shall be filled by the British arbitrator; and either in that case, or in case the vacancy be originally that of the British arbitrator the place of such arbitrator shall be filled by the Governor or Lieutenant Governor resident in such possession; in his unavoidable absence, by the principal magistrate of the same; or in the unavoidable absence of the principal magistrate, by the secretary of the Government; and the said court so constituted as above, shall sit, and, in all cases brought before it for adjudication, shall proceed to adjudge the same, and to pass sentence accordingly.

Fourthly. On the part of Great Britain, and in that court which shall sit within the territories of the Unites States of America: If the vacancy be that of the British judge, his place shall be filled by the British arbitrator; and either in that case or in case the vacancy be originally that of the British arbitrator, his place shall be filled by the British Consul; or in the unavoidable absence of the Consul, by the British Vice-Consul; and in case the vacancy be both of the British judge and of the British arbitrator, then the vacancy of the British judge shall be filled by the British Consul, and that of the British arbitrator by the British Vice-Consul. But if there be no British Consul or Vice-Consul to fill the place of British arbitrator, then the United States arbitrator shall be called in in those cases in which the British arbitrator would be called in; and in case the vacancy be both of the British judge and of the British arbitrator, and there be neither British Consul nor Vice-Consul to fill ad interim the vacancies, then the United States judge and ar-

bitrator shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

The chief authority of the place in the territories of either high contracting party where the mixed courts of justice shall sit, shall, in the event of a vacancy arising, either of the judge or the arbitrator of the other high contracting party, forthwith give notice of the same by the most expeditious method in his power to the Government of that other high contracting party, in order that such vacancy may be supplied at the earliest possible period.

Notice of vacancy.

And each of the high contracting parties agrees to supply definitively, as soon as possible, the vacancies which may arise in the above-mentioned courts from death, or from any other cause whatever.

The undersigned Plenipotentiaries have agreed, in conformity with the XIth article of the treaty signed by them on this day, that the preceding regulations shall be annexed to the said treaty and considered an integral part thereof.

Done at Washington the seventh day of April, in the year of our Lord one thousand eight hundred and sixty-two.

WILLIAM H. SEWARD. [L. S.]
LYONS. [L. S.]

GREAT BRITAIN, 1863.

ADDITIONAL ARTICLE TO THE TREATY FOR THE SUPPRESSION OF THE AFRICAN SLAVE TRADE, BETWEEN THE UNITED STATES OF AMERICA AND HER BRITANNIC MAJESTY, OF THE 7TH OF APRIL, 1862. CONCLUDED FEBRUARY 17, 1863; RATIFICATIONS EXCHANGED APRIL 1, 1863; PROCLAIMED APRIL 22, 1863.

Whereas, by the first article of the treaty between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, for the suppression of the African slave trade, signed at Washington on the 7th of April, 1862, it was stipulated and agreed that those ships of the respective navies of the two high contracting parties which shall be provided with special instructions for that purpose as thereinafter mentioned, may visit such merchant vessels of the two nations as may, upon reasonable grounds, be suspected of being engaged in the African slave trade, or of having been fitted out for that purpose, or of having, during the voyage on which they are met by the said cruisers, been engaged in the African slave trade contrary to the provisions of the said treaty; and that such cruisers may detain and send or carry away such vessels in order that they may be brought to trial in the manner thereinafter agreed upon; and whereas it was by the said article further stipulated and agreed that the reciprocal right of search and detention should be exercised only within the distance of two hundred miles from the coast of Africa, and to the southward of the thirty-second parallel of north latitude, and within thirty leagues from the coast of the island of Cuba; and whereas the two high contracting parties are desirous of rendering the said treaty still more efficacious for its purpose: The Plenipotentiaries who signed the said treaty have, in virtue of their full powers, agreed that the reciprocal right of visit and detention, as defined in the article

Right of search and detention of certain vessels.

aforesaid, may be exercised also within thirty leagues of the island of Madagascar, within thirty leagues of the island of Puerto Rico, and within thirty leagues of the island of San Domingo.

Effect of this article.

The present additional article shall have the same force and validity as if it had been inserted word for word in the treaty concluded between the two high contracting parties on the 7th of April, 1862, and shall have the same duration as that treaty. It shall be ratified, and the ratifications shall be exchanged at London in six months from this date, or sooner if possible.

Ratifications.

In witness whereof the respective Plenipotentiaries have signed the same, and have thereunto affixed the seal of their arms.

Done at Washington the 17th day of February, in the year of our Lord one thousand eight hundred and sixty-three.

WILLIAM H. SEWARD. [L. S.]
LYONS. [L. S.]

GREAT BRITAIN, 1863.

TREATY FOR THE FINAL SETTLEMENT OF THE CLAIMS OF THE HUDSON'S BAY AND PUGET'S SOUND AGRICULTURAL COMPANIES BETWEEN THE UNITED STATES OF AMERICA AND HER BRITANNIC MAJESTY. CONCLUDED JULY 1, 1863; RATIFICATIONS EXCHANGED MARCH 3, 1864; PROCLAIMED MARCH 5, 1864.

Contracting parties.

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous to provide for the final settlement of the claims of the Hudson's Bay and Puget's Sound Agricultural Companies, specified in Articles III and IV of the treaty concluded between the United States of America and Great Britain on the 15th of June, 1846, have resolved to conclude a treaty for this purpose, and have named as their Plenipotentiaries, that is to say:

The President of the United States of America, William H. Seward, Secretary of State; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable Richard Bickerton Pemell, Lord Lyons, a peer of her United Kingdom, a Knight Grand Cross of her most honorable Order of the Bath, and her Envoy Extraordinary and Minister Plenipotentiary to the United States of America;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

Commissioners to examine claims of Hudson's Bay and Puget's Sound Agricultural Companies.

Whereas by the IIId and IVth articles of the treaty concluded at Washington on the 15th day of June, 1846, between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, it was stipulated and agreed that in the future appropriation of the territory south of the 49th parallel of north latitude, as provided in the first article of the said treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be already in the occupation of land or other property lawfully acquired within the said territory, should be respected, and that the farms, lands, and other

property of every description, belonging to the Puget's Sound Agricultural Company, on the north side of the Columbia River, should be confirmed to the said company, but that in case the situation of those farms and lands should be considered by the United States to be of public and political importance, and the United States Government should signify a desire to obtain possession of the whole or of any part thereof, the property so required should be transferred to the said Government at a proper valuation to be agreed upon between the parties;

And whereas it is desirable that all questions between the United States authorities on the one hand, and the Hudson's Bay and Puget's Sound Agricultural Companies on the other, with respect to the possessory rights and claims of those companies, and of any other British subjects in Oregon and Washington Territory, should be settled by the transfer of those rights and claims to the Government of the United States for an adequate money consideration:

It is hereby agreed that the United States of America and Her Britannic Majesty shall, within twelve months after the exchange of the ratifications of the present treaty, appoint each a Commissioner for the purpose of examining and deciding upon all claims arising out of the provisions of the above quoted articles of the treaty of June 15, 1846.

ARTICLE II.

Where Commissioners are to meet, and how to be qualified.

The Commissioners mentioned in the preceding article shall, at the earliest convenient period after they shall have been respectively named, meet at the city of Washington, in the District of Columbia, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favor, or affection to their own country, all the matters referred to them for their decision, and such declaration shall be entered on the record of their proceedings.

Umpire.

The Commissioners shall then proceed to name an Arbitrator or Umpire to decide upon any case or cases on which they may differ in opinion; and if they cannot agree in the selection, the said Arbitrator or Umpire shall be appointed by the King of Italy, whom the two high contracting parties shall invite to make such appointment, and whose selection shall be conclusive on both parties. The person so to be chosen shall, before proceeding to act, make and subscribe a solemn declaration, in a form similar to that which shall already have been made and subscribed by the Commissioners, which declaration shall also be entered on the record of the proceedings. In the event of the death, absence, or incapacity of such person, or of his omitting or declining or ceasing to act as such Arbitrator or Umpire, another person shall be named, in the manner aforesaid, to act in his place or stead, and shall make and subscribe such declaration as aforesaid.

Vacancy in office of Umpire.

Decision.

The United States of America and Her Britannic Majesty engage to consider the decision of the two Commissioners conjointly, or of the Arbitrator or Umpire, as the case may be, as final and conclusive on the matters to be referred to their decision, and forthwith to give full effect to the same.

ARTICLE III.

The Commissioners and the Arbitrator or Umpire shall keep accurate records and correct minutes or notes of all their proceedings, with the dates thereof, and shall appoint and employ such clerk or clerks or other persons as they shall find necessary to assist them in the transaction of the business which may come before them.

Records.

The salaries of the Commissioners and of the clerk or clerks shall be paid by their respective Governments. The salary of the Arbitrator or Umpire and the contingent expenses shall be defrayed in equal moieties by the two Governments.

Salaries.

ARTICLE IV.

All sums of money which may be awarded by the Commissioners, or by the Arbitrator or Umpire, on account of any claim, shall be paid by the one Government to the other in two equal annual instalments, whereof the first shall be paid within twelve months after the date of the award, and the second within twenty-four months after the date of the award, without interest, and without any deduction whatever.

Awards of Commissioners.

ARTICLE V.

The present treaty shall be ratified, and the mutual exchange of ratifications shall take place in Washington, in twelve months from the date hereof, or earlier if possible.

Ratifications.

In faith whereof we, the respective Plenipotentiaries, have signed this treaty, and have hereunto affixed our seals.

Done in duplicate at Washington, the first day of July, anno Domini one thousand eight hundred and sixty-three.

WILLIAM H. SEWARD. [L. S.]
LYONS. [L. S.]

AWARD.

At a meeting of the Commissioners under the treaty of July 1st, 1863, between the United States of America and Her Britannic Majesty, for the final settlement of the claims of the Hudson's Bay and Puget's Sound Agricultural Companies, held at the city of Washington, on the 10th day of September, 1869—

Present: Alexander S. Johnson, Commissioner on the part of the United States of America; John Rose, Commissioner on the part of Her Britannic Majesty.

The Commissioners having heard the allegations and proofs of the respective parties, and the arguments of their respective counsel, and duly considered the same, do determine and award that, as the adequate money consideration for the transfer to the United States of America of all the possessory rights and claims of the Hudson's Bay Company, and of the Puget's Sound Agricultural Company, under the first article of the treaty of July 1st, 1863, and the third and fourth articles of the treaty of June 15, 1846, commonly called the Oregon treaty, and in full satisfaction of all such rights and claims, there ought to be paid in gold coin by the United States of America, at the times and in

the manner provided by the fourth article of the treaty of July 1, 1863, on account of the possessory rights and claims of the Hudson's Bay Company, four hundred and fifty thousand dollars; and on account of the possessory rights and claims of the Puget's Sound Agricultural Company, the sum of two hundred thousand dollars; and that at or before the time fixed for the first payment to be made in pursuance of the treaty and of this award, each of the said companies do execute and deliver to the United States of America a sufficient deed or transfer and release to the United States of America, substantially in the form hereunto annexed.

In testimony whereof we, the said Commissioners, have set our hands to this award in duplicate, on the day and year and at the place aforesaid.

ALEXANDER S. JOHNSON,
Commissioner on the part of the United States.
JOHN ROSE,
Commissioner on the part of Her Britannic Majesty.

GREAT BRITAIN, 1870.

CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN, RELATIVE TO NATURALIZATION. CONCLUDED MAY 13, 1870; RATIFICATIONS EXCHANGED AUGUST 10, 1870; PROCLAIMED SEPTEMBER 16, 1870.

Contracting parties.

The President of the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous to regulate the citizenship of citizens of the United States of America who have emigrated or who may emigrate from the United States of America to the British dominions, and of British subjects who have emigrated or who may emigrate from the British dominions to the United States of America, have resolved to conclude a convention for that purpose, and have named as their Plenipotentiaries, that is to say:

The President of the United States of America, John Lothrop Motley, Esquire, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Her Britannic Majesty; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable George William Frederick, Earl of Clarendon, Baron Hyde of Hindon, a peer of the United Kingdom, a member of Her Britannic Majesty's most honourable Privy Council, Knight of the most noble Order of the Garter, Knight Grand Cross of the most honourable Order of the Bath, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs;

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

Citizens of either country, how to be treated when naturalized.

Citizens of the United States of America who have become, or shall become, and are naturalized according to law within the British dominions as British subjects, shall, subject to the provisions of Article II, be held by the United States to be

in all respects and for all purposes British subjects, and shall be treated as such by the United States.

Reciprocally, British subjects who have become, or shall become, and are naturalized according to law within the United States of America as citizens thereof, shall, subject to the provisions of Article II, be held by Great Britain to be in all respects and for all purposes citizens of the United States, and shall be treated as such by Great Britain.

ARTICLE II.

Naturalization may be renounced, if, &c.

Such citizens of the United States as aforesaid who have become and are naturalized within the dominions of Her Britannic Majesty as British subjects, shall be at liberty to renounce their naturalization and to resume their nationality as citizens of the United States, provided that such renunciation be publicly declared within two years after the exchange of the ratifications of the present convention.

Such British subjects as aforesaid who have become and are naturalized as citizens within the United States, shall be at liberty to renounce their naturalization and to resume their British nationality, provided that such renunciation be publicly declared within two years after the twelfth day of May, 1870.

The manner in which this renunciation may be made and publicly declared shall be agreed upon by the Governments of the respective countries.

ARTICLE III.

A citizen renewing residence in his original country may be restored to citizenship there, and no claim to be made for him by country of his former naturalization.

If any such citizen of the United States as aforesaid, naturalized within the dominions of Her Britannic Majesty, should renew his residence in the United States, the United States Government may, on his own application and on such conditions as that Government may think fit to impose, re-admit him to the character and privileges of a citizen of the United States, and Great Britain shall not, in that case, claim him as a British subject on account of his former naturalization.

In the same manner, if any such British subject as aforesaid naturalized in the United States should renew his residence within the dominions of Her Britannic Majesty, Her Majesty's Government may, on his own application and on such conditions as that Government may think fit to impose, re-admit him to the character and privileges of a British subject, and the United States shall not, in that case, claim him as a citizen of the United States on account of his former naturalization.

ARTICLE IV.

Ratifications.

The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty, and the ratifications shall be exchanged at London as soon as may be within twelve months from the date hereof.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at London the thirteenth day of May, in the year of our Lord one thousand eight hundred and seventy.

JOHN LOTHROP MOTLEY. [SEAL.]
CLARENDON. [SEAL.]

GREAT BRITAIN, 1870.

ADDITIONAL CONVENTION TO THE TREATY OF APRIL 7, 1862, BETWEEN THE UNITED STATES AND GREAT BRITAIN, RESPECTING THE AFRICAN SLAVE TRADE. CONCLUDED JUNE 3, 1870; RATIFICATIONS EXCHANGED AUGUST 10, 1870; PROCLAIMED SEPTEMBER 16, 1870.

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, having come to the conclusion that it is no longer necessary to maintain the three mixed courts of justice established at Sierra Leone, at the Cape of Good Hope, and at New York, in pursuance of the treaty concluded at Washington on the 7th day of April, 1862, for the suppression of the African slave trade, they have resolved to conclude an additional convention for the purpose of making the requisite modifications of the said treaty, and have named as their Plenipotentiaries, that is to say:

The President of the United States of America, Hamilton Fish, Secretary of State, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Edward Thornton, Esquire, Companion of the Order of the Bath, and Her Envoy Extraordinary and Minister Plenipotentiary to the United States of America;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

Treaties relative to mixed courts.

Everything contained in the treaty concluded at Washington on the 7th of April, 1862, between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, for the suppression of the African slave trade, and in the annexes A and B thereto, which relates to the establishment of three mixed courts of justice at Sierra Leone, at the Cape of Good Hope, and at New York, to hear and decide all cases of capture of vessels which may be brought before them as having been engaged in the African slave trade, or as having been fitted out for the purposes thereof, as well as to the composition, jurisdiction, and mode of procedure of such courts, shall cease and determine as regards the said mixed courts, from and after the exchange of the ratifications of the present additional convention, except in so far as regards any act or proceeding done or taken in virtue thereof, before this additional convention shall be officially communicated to the said mixed courts of justice. The said courts shall nevertheless have the power, and it shall be their duty, to proceed with all practicable despatch to the final determination of all causes and proceedings which may be pending and undetermined in them, or either of them, at the time of receiving notice of the ratification of this convention.

ARTICLE II.

Jurisdiction of mixed courts.

The jurisdiction heretofore exercised by the said mixed courts in pursuance of the provisions of the said treaty shall, after the exchange of the ratifications of the present additional convention, be exercised by the courts of one or the other of the high contracting parties according to their respective modes of procedure in matters of maritime prize; and all the provisions of the said treaty with regard to the sending or bringing in of captured vessels for adjudication

before the said mixed courts, and with regard to the adjudication of such vessels by the said courts, and the rules of evidence to be applied and the proceedings consequent on such adjudication, shall apply, mutatis mutandis, to the courts of the high contracting parties. It is, however, provided that there may be an appeal from the decision of any court of the high contracting parties, in the same manner as by the law of the country where the court sits is allowed in other cases of maritime prize.

ARTICLE III.

Disposal of vessel detained as a slaver.

It is agreed that in case of an American merchant vessel searched by a British cruiser being detained as having been engaged in the African slave trade, or as having been fitted out for the purposes thereof, she shall be sent to New York or Key West, whichever shall be most accessible for adjudication, or shall be handed over to an United States cruiser, if one should be available in the neighborhood of the capture; and that in the corresponding case of a British merchant vessel searched by an United States cruiser being detained as having been engaged in the African slave trade, or as having been fitted out for the purposes thereof, she shall be sent for adjudication to the nearest or most accessible British colony, or shall be handed over to a British cruiser, if one should be available in the neighborhood of the capture.

Disposal of proofs, &c.

All the witnesses and proofs necessary to establish the guilt of the master, crew, or other persons found on board of any such vessel, shall be sent and handed over with the vessel itself, in order to be produced to the court before which such vessel or persons may be brought for trial.

All negroes or others (necessary witnesses excepted) who may be on board either an American or a British vessel for the purpose of being consigned to slavery, shall be handed over to the nearest British authority. They shall be immediately set at liberty, and shall remain free, Her Britannic Majesty guaranteeing their liberty. With regard to such of those negroes or others as may be sent in with the detained vessel as necessary witnesses, the Government to which they may have been delivered shall set them at liberty as soon as their testimony shall no longer be required, and shall guarantee their liberty.

Where a detained vessel is handed over to a cruiser of her own nation, an officer in charge, and other necessary witnesses and proofs, shall accompany the vessel.

ARTICLE IV.

It is mutually agreed that the instructions for the ships of the navies of both nations destined to prevent the African slave trade, which are annexed to this convention, shall form an integral part thereof, and shall have the same force and effect as if they had been annexed to the treaty of the 7th of April, 1862, in lieu of the instructions forming annex A to that treaty.

ARTICLE V.

In all other respects the stipulations of the treaty of April 7, 1862, shall remain in full force and effect until terminated by notice given by one of the high contracting parties to the other, in the manner prescribed by Article XII thereof.

ARTICLE VI.

The high contracting parties engage to communicate the present convention to the mixed courts of justice, and to the officers in command of their respective cruisers, and to give them the requisite instructions in pursuance thereof, with the least possible delay.

ARTICLE VII.

Duration.

The present additional convention shall have the same duration as the treaty of the 7th of April, 1862, and the additional article thereto of the 17th of February, 1863. It shall be ratified, and the ratifications shall be exchanged at London as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Washington the third day of June, in the year of our Lord one thousand eight hundred and seventy.

HAMILTON FISH. [SEAL.]
EDWD. THORNTON. [SEAL.]

ANNEX TO THE ADDITIONAL CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN, FOR THE SUPPRESSION OF THE AFRICAN SLAVE TRADE. SIGNED AT WASHINGTON ON THE THIRD DAY OF JUNE, 1870.

Instructions for the ships of the United States and British navies employed to prevent the African slave trade.

ARTICLE I.

Right of search.

The commander of any ship belonging to the United States or British navy, which shall be furnished with these instructions, shall have a right to search and detain any United States or British merchant vessels which shall be actually engaged, or suspected to be engaged, in the African slave trade, or to be fitted out for the purposes thereof, or to have been engaged in such trade during the voyage in which she may be met with by such ship of the United States or British navy; and such commander shall thereupon bring or send such merchant vessel (save in the case provided for in Article V of these instructions) as soon as possible for judgment, in the manner provided by Article III of the additional convention of this date, that is to say:

In the case of an American vessel searched and detained as aforesaid by a British cruiser, she shall be sent to New York or Key West, whichever shall be most accessible, or be handed over to an United States cruiser, if one should be available in the neighborhood of the capture.

In the case of a British vessel searched and detained as aforesaid by an United States cruiser, she shall be sent to the nearest or most accessible British colony, or shall be handed over to a British cruiser, if one should be available in the neighborhood of the capture.

ARTICLE II.

Conduct of search.

Whenever a ship of either of the two navies, duly authorized as aforesaid, shall meet a merchant vessel liable to be searched under the provisions of the treaty of the 7th of April, 1862, and of

this additional convention, the search shall be conducted with the courtesy and consideration which ought to be observed between allied and friendly nations; and the search shall, in all cases, be made by an officer holding a rank not lower than that of lieutenant in the navy, or by the officer who at the time shall be second in command of the ship by which such search is made.

ARTICLE III.

Action in case of detention.

The commander of any ship of the two navies, duly authorized as aforesaid, who may detain any merchant vessel in pursuance of the tenor of the present instructions, shall leave on board the vessel so detained the master, the mate, or boatswain, two or three at least of the crew, and all the cargo. The captor shall at the time of detention draw up in writing a declaration which shall exhibit the state in which he found the detained vessel; such declaration shall be signed by himself, and shall be given or sent in with the detained vessel to be produced as evidence in the proper court. He shall deliver to the master of the detained vessel a signed and certified list of the papers found on board the same, as well as a certificate of the number of negroes or other persons destined for slavery who may have been found on board at the moment of detention.

In the declaration which the captor is hereby required to make, as well as in the certified list of the papers seized, and in the certificate of the number of negroes or others destined for slavery who may be found on board the detained vessel, he shall insert his own name and surname, the name of the capturing ship, and the latitude and longitude of the place where the detention shall have been made.

The officer in charge of the detained vessel shall, at the time of delivering the vessel's papers and the certificate of the commander into court, deliver also a certificate, signed by himself, and verified on oath, stating any changes which may have taken place in respect to the vessel, her crew, and her cargo, between the time of her detention and the time of delivering in such paper.

Where a detained vessel is handed over to a cruiser of her own nation, an officer in charge, and other necessary witnesses and proofs, shall accompany the vessel.

ARTICLE IV.

Witnesses.

All the negroes or others (necessary witnesses excepted) who may be on board either an American or a British detained vessel, for the purpose of being consigned to slavery, shall be handed over by the commander of the capturing ship to the nearest British authority.

ARTICLE V.

Case of unseaworthy vessel.

In case any merchant vessel detained in pursuance of the present instructions should prove to be unseaworthy, or in such a condition as not to be taken in for adjudication as directed by the additional convention of this date, the commander of the detaining cruiser may take upon himself the responsibility of abandoning or destroying her, provided the exact causes which made such a step imperatively necessary be stated in a certificate verified on oath. Such certificate shall be drawn up and formally executed by him in duplicate at the time, and shall be received as prima facie evidence of the facts therein stated, subject to rebuttal by counter proof.

In case of the abandonment or destruction of a detained vessel, the

master and crew, together with the papers found on board, and other necessary proofs and witnesses, and one of the certificates mentioned in the preceding paragraph of this article, shall be sent and delivered at the earliest possible moment to the proper court before which the vessel would otherwise have been sent. Upon the production of the said certificate, the court may proceed to adjudicate upon the detention of the vessel in the same manner as if the vessel had been sent in.

The negroes or others intended to be consigned to slavery shall be handed over to the nearest British authority.

The undersigned Plenipotentiaries have agreed, in conformity with the IVth Article of the additional convention, signed by them on this day, that the present instructions shall be annexed to the said convention, and be considered an integral part thereof.

Done at Washington the third day of June, in the year of our Lord one thousand eight hundred and seventy.

HAMILTON FISH. [SEAL.]
EDWD. THORNTON. [SEAL.]

GREAT BRITAIN, 1871.

SUPPLEMENTAL CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN, CONCERNING THE RENUNCIATION OF NATURALIZATION IN CERTAIN CASES. SIGNED FEBRUARY 23, 1871; RATIFICATIONS EXCHANGED MAY 4, 1871; PROCLAIMED MAY 5, 1871.

Whereas by the second article of the convention between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, for regulating the citizenship of citizens and subjects of the contracting parties who have emigrated or may emigrate, from the dominions of the one to those of the other party, signed at London, on the 13th of May, 1870, it was stipulated that the manner in which the renunciation by such citizens and subjects of their naturalization, and the resumption of their native allegiance may be made and publicly declared, should be agreed upon by the Governments of the respective countries, the President of the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, for the purpose of effecting such agreement, have resolved to conclude a supplemental convention, and have named as their Plenipotentiaries, that is to say, the President of the United States of America, Hamilton Fish, Secretary of State, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Edward Thornton, Knight Commander of the Most Honorable Order of the Bath, and her Envoy Extraordinary and Minister Plenipotentiary to the United States of America; who have agreed as follows:

ARTICLE I.

Any person, being originally a citizen of the United States, who had previously to May 13th, 1870, been naturalized as a British subject, may, at any time before August 10th, 1872, and any British subject who, at the date first aforesaid, had been naturalized as a citizen within the United States, may, at any time before May 12th, 1872, publicly declare his renunciation of such naturalization by subscribing an instrument in writing, substantially in the form hereunto appended, and designated as Annex A.

Certain citizens or subjects of either country naturalized in the other may renounce their naturalization, and in what manner.

Such renunciation, by an original citizen of the United States, of British nationality, shall, within the territories and jurisdiction of the United States, be made in duplicate, in the presence of any court authorized by law for the time being to admit aliens to naturalization, or before the clerk or prothonotary of any such court: if the declarant be beyond the territories of the United States, it shall be made in duplicate, before any diplomatic or consular officer of the United States. One of such duplicates shall remain of record in the custody of the court or officer in whose presence it was made; the other shall be, without delay, transmitted to the Department of State.

If within the United States.

If beyond the territory of the United States.

Renunciation, how to be made.

Such renunciation, if declared by an original British subject, of his acquired nationality as a citizen of the United States, shall, if the declarant be in the United Kingdom of Great Britain and Ireland, be made in duplicate, in the presence of a justice of the peace; if elsewhere in Her Britannic Majesty's dominions, in triplicate, in the presence of any judge of civil or criminal jurisdiction, of any justice of the peace, or of any other officer for the time being authorized by law, in the place in which the declarant is, to administer an oath for any judicial or other legal purpose: if out of Her Majesty's dominions, in triplicate, in the presence of any officer in the diplomatic or consular service of Her Majesty.

If in the United Kingdom.

If elsewhere in the British dominions.

ARTICLE II.

The contracting parties hereby engage to communicate each to the other, from time to time, lists of the persons who, within their respective dominions and territories, or before their diplomatic and consular officers, have declared their renunciation of naturalization, with the dates and places of making such declarations, and such information as to the abode of the declarants, and the times and places of their naturalization, as they may have furnished.

Lists, &c., of persons renouncing their naturalization to be furnished.

ARTICLE III.

The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty, and the ratifications shall be exchanged at Washington as soon as may be convenient.

Convention, when to be ratified.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Washington the twenty-third day of February, in the year of our Lord one thousand eight hundred and seventy-one.

[SEAL.] HAMILTON FISH.
[SEAL.] EDWD. THORNTON.

ANNEX A.

I, A. B., of [insert abode], being originally a citizen of the United States of America, [or a British subject,] and having become naturalized within the dominions of Her Britannic Majesty as a British subject, [or as a citizen within the United States of America,] do hereby renounce my naturalization as a British subject, [or citizen of the United States,] and declare that it is my desire to resume my nationality as a citizen of the United States, [or British subject.]

Form of declaration of renunciation of naturalization.

(Signed) A. B.

Made and subscribed to before me, ———, in [insert country or other subdivision, and State, province, colony, legation, or consulate,] this—— day of ———, 187-.

(Signed) E. F.,
Justice of the Peace, [or other title.]

[SEAL.] HAMILTON FISH.
[SEAL.] EDWD. THORNTON.

GREAT BRITAIN, 1871.

TREATY BETWEEN THE UNITED STATES AND GREAT BRITAIN RELATIVE TO CLAIMS, FISHERIES, NAVIGATION OF THE ST. LAWRENCE, &c.; AMERICAN LUMBER ON THE RIVER ST. JOHN; BOUNDARY. CONCLUDED MAY 8, 1871; RATIFICATIONS EXCHANGED JUNE 17, 1871; PROCLAIMED JULY 4, 1871.

Contracting parties.

The United States of America and Her Britannic Majesty, being desirous to provide for an amicable settlement of all causes of difference between the two countries, have for that purpose appointed their respective Plenipotentiaries, that is to say: The President of the United States has appointed, on the part of the United States, as Commissioners in a Joint High Commission and Plenipotentiaries, Hamilton Fish, Secretary of State; Robert Cumming Schenck, Envoy Extraordinary and Minister Plenipotentiary to Great Britain; Samuel Nelson, an Associate Justice of the Supreme Court of the United States; Ebenezer Rockwood Hoar, of Massachusetts; and George Henry Williams, of Oregon; and Her Britannic Majesty, on her part, has appointed as her High Commissioners and Plenipotentiaries, the Right Honourable George Frederick Samuel, Earl de Grey and Earl of Ripon, Viscount Goderich, Baron Grantham, a Baronet, a Peer of the United Kingdom, Lord President of Her Majesty's Most Honourable Privy Council, Knight of the Most Noble Order of the Garter, etc., etc.; the Right Honourable Sir Stafford Henry Northcote, Baronet, one of Her Majesty's Most Honourable Privy Council, a Member of Parliament, a Companion of the Most Honourable Order of the Bath, etc., etc.; Sir Edward Thornton, Knight Commander of the Most Honourable Order of the Bath, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America; Sir John Alexander Macdonald, Knight Commander of the Most Honourable Order of the Bath, a Member of Her Majesty's Privy Council for Canada, and Minister of Justice and Attorney General of Her Majesty's Dominion of Canada; and Mountague Bernard, Esquire, Chichele Professor of International Law in the University of Oxford.

And the said Plenipotentiaries, after having exchanged their full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

ARTICLE I.

Alabama claims to be referred to arbitration.

Whereas differences have arisen between the Government of the United States and the Government of Her Britannic Majesty, and still exist, growing out of the acts committed by the several vessels which have given rise to the claims generically known as the "Alabama Claims:"

And whereas Her Britannic Majesty has authorized her High Commissioners and Plenipotentiaries to express, in a friendly spirit, the regret felt by Her Majesty's Government for the escape, under whatever circumstances, of the Alabama and other vessels from British ports, and for the depredations committed by those vessels:

Arbitrators, and how to be named.

Now, in order to remove and adjust all complaints and claims on the part of the United States, and to provide for the speedy settlement of such claims which are not admitted by Her Britannic Majesty's Government, the high contracting parties agree that all the said claims, growing out of acts committed by the aforesaid vessels, and generically known as the "Alabama Claims," shall be referred to a tribunal of arbitration to be composed of five Arbitrators, to be appointed in the following manner, that is to say: One shall be named by the President of the United States; one shall be named by Her Britannic Majesty; His Majesty the King of Italy shall be requested to name one; the President of the Swiss Confederation shall be requested to name one; and His Majesty the Emperor of Brazil shall be requested to name one.

Vacancies, how filled.

In case of the death, absence, or incapacity to serve of any or either of the said Arbitrators, or, in the event of either of the said Arbitrators omitting or declining or ceasing to act as such, the President of the United States, or Her Britannic Majesty, or His Majesty the King of Italy, or the President of the Swiss Confederation, or His Majesty the Emperor of Brazil, as the case may be, may forthwith name another person to act as Arbitrator in the place and stead of the Arbitrator originally named by such head of a State.

And in the event of the refusal or omission for two months after receipt of the request from either of the high contracting parties of His Majesty the King of Italy, or the President of the Swiss Confederation, or His Majesty the Emperor of Brazil, to name an Arbitrator either to fill the original appointment or in the place of one who may have died, be absent, or incapacitated, or who may omit, decline, or from any cause cease to act as such Arbitrator, His Majesty the King of Sweden and Norway shall be requested to name one or more persons, as the case may be, to act as such Arbitrator or Arbitrators.

ARTICLE II.

Arbitrators to meet, when and where.

Their powers.

A majority to decide.

The Arbitrators shall meet at Geneva, in Switzerland, at the earliest convenient day after they shall have been named, and shall proceed impartially and carefully to examine and decide all questions that shall be laid before them on the part of the Governments of the United States and Her Britannic Majesty respectively. All questions considered by the tribunal, including the final award, shall be decided by a majority of all the Arbitrators.

Agent of each party.

Each of the high contracting parties shall also name one person to attend the tribunal as its Agent to represent it generally in all matters connected with the arbitration.

ARTICLE III.

Case of each party, &c., when to be given to Arbitrators.

The written or printed case of each of the two parties, accompanied by the documents, the official correspondence, and other evidence on which each relies, shall be delivered in duplicate to each of the Arbitrators and to the Agent of the other

party as soon as may be after the organization of the tribunal, but within a period not exceeding six months from the date of the exchange of the ratifications of this treaty.

ARTICLE IV.

Within four months after the delivery on both sides of the written or printed case, either party may, in like manner, deliver in duplicate to each of the said Arbitrators, and to the Agent of the other party, a counter case and additional documents, correspondence, and evidence, in reply to the case, documents, correspondence, and evidence so presented by the other party.

Counter case, &c.

The Arbitrators may, however, extend the time for delivering such counter case, documents, correspondence, and evidence, when, in their judgment, it becomes necessary, in consequence of the distance of the place from which the evidence to be presented is to be procured.

Time may be extended.

If in the case submitted to the Arbitrators either party shall have specified or alluded to any report or document in its own exclusive possession without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof; and either party may call upon the other, through the Arbitrators, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Arbitrators may require.

Documents and papers to be produced.

ARTICLE V.

It shall be the duty of the Agent of each party, within two months after the expiration of the time limited for the delivery of the counter case on both sides, to deliver in duplicate to each of the said Arbitrators and to the Agent of the other party a written or printed argument showing the points and referring to the evidence upon which his Government relies; and the Arbitrators may, if they desire further elucidation with regard to any point, require a written or printed statement or argument, or oral argument by counsel, upon it; but in such case the other party shall be entitled to reply either orally or in writing, as the case may be.

Arguments and briefs.

ARTICLE VI.

In deciding the matters submitted to the Arbitrators, they shall be governed by the following three rules, which are agreed upon by the high contracting parties as rules to be taken as applicable to the case, and by such principles of international law not inconsistent therewith as the Arbitrators shall determine to have been applicable to the case.

Rules, &c., to govern the Arbitrators in their decisions.

RULES.

A neutral Government is bound—

First, to use due diligence to prevent the fitting out, arming, or equipping, within its jurisdiction, of any vessel which it has reasonable ground to believe is intended to cruise or to carry on war against a Power with which it is at peace; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such

Obligations of neutral Government to use due diligence to prevent the fitting out, &c., within, &c., of vessels, &c.

vessel having been specially adapted, in whole or in part, within such jurisdiction, to warlike use.

Not to permit its ports, &c., to be used for certain purposes.

Secondly, not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men.

To use due diligence within, &c., to prevent violation of obligations.

Thirdly, to exercise due diligence in its own ports and waters, and, as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties.

These rules not admitted to have been in force when the Alabama Claims arose, but to govern in future cases.

Her Britannic Majesty has commanded her High Commissioners and Plenipotentiaries to declare that Her Majesty's Government cannot assent to the foregoing rules as a statement of principles of international law which were in force at the time when the claims mentioned in Article I arose, but that Her Majesty's Government, in order to evince its desire of strengthening the friendly relations between the two countries and of making satisfactory provision for the future, agrees that in deciding the questions between the two countries arising out of those claims, the Arbitrators should assume that Her Majesty's Government had undertaken to act upon the principles set forth in these rules.

And the high contracting parties agree to observe these rules as between themselves in future, and to bring them to the knowledge of other maritime Powers, and to invite them to accede to them.

ARTICLE VII.

Decision to be made, when and in what form.

The decision of the tribunal shall, if possible, be made within three months from the close of the argument on both sides.

It shall be made in writing and dated, and shall be signed by the Arbitrators who may assent to it.

To be made as to each vessel separately.

The said tribunal shall first determine as to each vessel separately whether Great Britain has, by any act or omission, failed to fulfil any of the duties set forth in the foregoing three rules, or recognized by the principles of international law not inconsistent with such rules, and shall certify such fact as to each of the said vessels. In case the tribunal find that Great Britain has failed to fulfil any duty or duties as aforesaid, it may, if it think proper, proceed to award a sum in gross to be paid by Great Britain to the United States for all the claims referred to it; and in such case the gross sum so awarded shall be paid in coin by the Government of Great Britain to the Government of the United States, at Washington, within twelve months after the date of the award.

If Great Britain is found in fault a gross sum may be awarded.

When to be paid.

Award to be in duplicate, and to whom delivered.

The award shall be in duplicate, one copy whereof shall be delivered to the Agent of the United States for his Government, and the other copy shall be delivered to the Agent of Great Britain for his Government.

ARTICLE VIII.

Expenses of the arbitration, how to be defrayed.

Each Government shall pay its own Agent and provide for the proper remuneration of the counsel employed by it and of the Arbitrator appointed by it, and for the expense of preparing and submitting its case to the tribunal. All other expenses connected with the arbitration shall be defrayed by the two Governments in equal moieties.

ARTICLE IX.

The Arbitrators shall keep an accurate record of their proceedings, and may appoint and employ the necessary officers to assist them.

Arbitrators to keep a record.

ARTICLE X.

In case the tribunal finds that Great Britain has failed to fulfil any duty or duties as aforesaid, and does not award a sum in gross, the high contracting parties agree that a board of assessors shall be appointed to ascertain and determine what claims are valid, and what amount or amounts shall be paid by Great Britain to the United States on account of the liability arising from such failure, as to each vessel, according to the extent of such liability as decided by the Arbitrators.

If Great Britain is found in fault, and a gross sum is not awarded, a board of assessors to be appointed to determine claims, &c.

The board of assessors shall be constituted as follows: One member thereof shall be named by the President of the United States, one member thereof shall be named by Her Britannic Majesty, and one member thereof shall be named by the Representative at Washington of His Majesty the King of Italy; and in case of a vacancy happening from any cause, it shall be filled in the same manner in which the original appointment was made.

How to be constituted.

Vacancies.

As soon as possible after such nominations the board of assessors shall be organized in Washington, with power to hold their sittings there, or in New York, or in Boston. The members thereof shall severally subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment and according to justice and equity, all matters submitted to them, and shall forthwith proceed, under such rules and regulations as they may prescribe, to the investigation of the claims which shall be presented to them by the Government of the United States, and shall examine and decide upon them in such order and manner as they may think proper, but upon such evidence or information only as shall be furnished by or on behalf of the Governments of the United States and of Great Britain, respectively. They shall be bound to hear on each separate claim, if required, one person on behalf of each Government, as counsel or agent. A majority of the Assessors in each case shall be sufficient for a decision.

Board to meet when.

Members to subscribe a declaration.

Their powers and duties.

A majority to decide

The decision of the Assessors shall be given upon each claim in writing, and shall be signed by them respectively and dated.

Decision, when and how to be given.

Every claim shall be presented to the Assessors within six months from the day of their first meeting, but they may, for good cause shown, extend the time for the presentation of any claim to a further period not exceeding three months.

Claims to be presented within what time.

The Assessors shall report to each Government, at or before the expiration of one year from the date of their first meeting, the amount of claims decided by them up to the date of such report; if further claims then remain undecided, they shall make a further report at or before the expiration of two years from the date of such first meeting; and in case any claims remain undetermined at that time, they shall make a final report within a further period of six months.

Report of Assessors.

The report or reports shall be made in duplicate, and one copy thereof shall be delivered to the Secretary of State of the United States, and one copy thereof to the Representative of Her Britannic Majesty at Washington.

How to be made and to whom delivered.

All sums of money which may be awarded under this article shall be payable at Washington, in coin, within twelve months after the delivery of each report.

Awards, when and where to be paid.

The board of assessors may employ such clerks as they shall think necessary.

Clerks.

The expenses of the board of assessors shall be borne equally by the two Governments, and paid from time to time, as may be found expedient, on the production of accounts certified by the board. The remuneration of the Assessors shall also be paid by the two Governments in equal moieties in a similar manner.

Expenses.

ARTICLE XI.

The high contracting parties engage to consider the result of the proceedings of the tribunal of arbitration and of the board of Assessors, should such board be appointed, as a full, perfect, and final settlement of all the claims hereinbefore referred to, and further engage that every such claim, whether the same may or may not have been presented to the notice of, made, preferred, or laid before the tribunal or board, shall, from and after the conclusion of the proceedings of the tribunal or board, be considered and treated as finally settled, barred, and thenceforth inadmissible.

Decisions of the Arbitrators and Assessors to be final.

Claims not presented to be deemed finally settled.

ARTICLE XII.

The high contracting parties agree that all claims on the part of corporations, companies, or private individuals, citizens of the United States, upon the Government of Her Britannic Majesty, arising out of acts committed against the persons or property of citizens of the United States during the period between the thirteenth of April, eighteen hundred and sixty-one, and the ninth of April, eighteen hundred and sixty-five, inclusive, not being claims growing out of the acts of the vessels referred to in Article I of this treaty, and all claims, with the like exception, on the part of corporations, companies, or private individuals, subjects of Her Britannic Majesty, upon the Government of the United States, arising out of acts committed against the persons or property of subjects of Her Britannic Majesty during the same period, which may have been presented to either Government for its interposition with the other, and which yet remain unsettled, as well as any other such claims which may be presented within the time specified in Article XIV of this treaty, shall be referred to three Commissioners, to be appointed in the following manner, that is to say: One Commissioner shall be named by the President of the United States, one by Her Britannic Majesty, and a third by the President of the United States and Her Britannic Majesty conjointly; and in case the third Commissioner shall not have been so named within a period of three months from the date of the exchange of the ratifications of this treaty, then the third Commissioner shall be named by the Representative at Washington of His Majesty the King of Spain. In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment; the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

Certain claims (other than Alabama Claims) against either Government to be referred to three Commissioners.

Their appointment.

Vacancies.

The Commissioners so named shall meet at Washington at the earliest convenient period after they have been respectively named; and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, all such claims as shall be laid before them on the part of the Governments of the United States and of Her Britannic Majesty, respectively; and such declaration shall be entered on the record of their proceedings.

Their powers and duties.

ARTICLE XIII.

The Commissioners shall then forthwith proceed to the investigation of the claims which shall be presented to them. They shall investigate and decide such claims in such order and such manner as they may think proper, but upon such evidence or information only as shall be furnished by or on behalf of the respective Governments. They shall be bound to receive and consider all written documents or statements which may be presented to them by or on behalf of the respective Governments in support of, or in answer to, any claim, and to hear, if required, one person on each side, on behalf of each Government, as counsel or agent for such Government, on each and every separate claim. A majority of the Commissioners shall be sufficient for an award in each case. The award shall be given upon each claim in writing, and shall be signed by the Commissioners assenting to it. It shall be competent for each Government to name one person to attend the Commissioners as its agent, to present and support claims on its behalf, and to answer claims made upon it, and to represent it generally in all matters connected with the investigation and decision thereof.

Claims to be investigated.

A majority to decide.

Award in each claim.

Agent of each Government.

The high contracting parties hereby engage to consider the decision of the Commissioners as absolutely final and conclusive upon each claim decided upon by them, and to give full effect to such decisions without any objection, evasion, or delay whatsoever.

Decisions to be final

See Article XVII.

ARTICLE XIV.

Every claim shall be presented to the Commissioners within six months from the day of their first meeting, unless in any case where reasons for delay shall be established to the satisfaction of the Commissioners, and then, and in any such case, the period for presenting the claim may be extended by them to any time not exceeding three months longer.

Claims, when to be presented to the Commissioners.

The Commissioners shall be bound to examine and decide upon every claim within two years from the day of their first meeting. It shall be competent for the Commissioners to decide in each case whether any claim has or has not been duly made, preferred, and laid before them, either wholly or to any and what extent, according to the true intent and meaning of this treaty.

When to be decide

Commissioners to decide if any case is properly before them.

ARTICLE XV.

All sums of money which may be awarded by the Commissioners on account of any claim shall be paid by the one Government to the other, as the case may be, within twelve months after the date of the final award, without interest, and without any deduction save as specified in Article XVI of this treaty.

Awards, when to be paid.

ARTICLE XVI.

The Commissioners shall keep an accurate record, and correct minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a secretary, and any other necessary officer, or officers, to assist them in the transaction of the business which may come before them.

Records.

Secretary.

Each Government shall pay its own Commissioner and Agent or Counsel. All other expenses shall be defrayed by the two Governments in equal moieties.

Expenses.

The whole expenses of the commission, including contingent expenses, shall be defrayed by a ratable deduction on the amount of the sums awarded by the Commissioners, provided always that such deduction shall not exceed the rate of five per cent. on the sums so awarded.

To be charged upon awards.

Not over five per cent.

ARTICLE XVII.

The high contracting parties engage to consider the result of the proceedings of this commission as a full, perfect, and final settlement of all such claims as are mentioned in Article XII of this treaty upon either Government; and further engage that every such claim, whether or not the same may have been presented to the notice of, made, preferred, or laid before the said commission, shall, from and after the conclusion of the proceedings of the said commission, be considered and treated as finally settled, barred, and thenceforth inadmissible.

Decisions of Commissioners to be final upon all claims that might have been presented.

ARTICLE XVIII.

It is agreed by the high contracting parties that, in addition to the liberty secured to the United States fishermen by the convention between the United States and Great Britain, signed at London on the 20th day of October, 1818, of taking, curing, and drying fish on certain coasts of the British North American Colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty, for the term of years mentioned in Article XXXIII of this treaty, to take fish of every kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbours, and creeks, of the provinces of Quebec, Nova Scotia, and New Brunswick, and the colony of Prince Edward's Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

Right of the inhabitants of the United States in certain sea fisheries in common.

See Articles XXXII and XXXIII.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that the salmon and shad fisheries, and all other fisheries in rivers and the mouths of rivers, are hereby reserved exclusively for British fishermen.

Salmon and shad fisheries exclusively for British fishermen.

ARTICLE XIX.

It is agreed by the high contracting parties that British subjects shall have, in common with the citizens of the United States, the liberty, for the term of years mentioned in Article XXXIII of this treaty, to take fish of every kind, except shell-fish, on the eastern sea-coasts and shores of the United States north of the thirty-ninth parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbours, and creeks of the said sea-coasts and shores of the United States and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

Rights in common of British subjects in certain sea fisheries on certain coasts of the United States.

See Articles XXXII and XXXIII.

Proviso.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that salmon and shad fisheries, and all other fisheries in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

Salmon and shad fisheries.

ARTICLE XX.

It is agreed that the places designated by the Commissioners appointed under the first article of the treaty between the United States and Great Britain, concluded at Washington on the 5th of June, 1854, upon the coasts of Her Britannic Majesty's dominions and the United States, as places reserved from the common right of fishing under that treaty, shall be regarded as in like manner reserved from the common right of fishing under the preceding articles. In case any question should arise between the Governments of the United States and of Her Britannic Majesty as to the common right of fishing in places not thus designated as reserved, it is agreed that a commission shall be appointed to designate such places, and shall be constituted in the same manner, and have the same powers, duties, and authority as the commission appointed under the said first article of the treaty of the 5th of June, 1854.

Certain places reserved from the common right of fishing.

See Articles XXXII and XXXIII.

Commission to designate such places, if, &c.

ARTICLE XXI.

It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, fish oil and fish of all kinds, (except fish of the inland lakes, and of the rivers falling into them, and except fish preserved in oil,) being the produce of the fisheries of the United States, or of the Dominion of Canada, or of Prince Edward's Island, shall be admitted into each country, respectively free of duty.

Certain fish oil and fish to be free of duty.

See Articles XXXII and XXXIII.

ARTICLE XXII.

Inasmuch as it is asserted by the Government of Her Britannic Majesty that the privileges accorded to the citizens of the United States under Article XVIII of this treaty are of greater value than those accorded by Articles XIX and XXI of this treaty to the subjects of Her Britannic Majesty, and this assertion is not admitted by the Government of the

Commissioners to determine the compensation, if any, to be paid by the United States for privileges granted by Article XVIII of this treaty.

United States, it is further agreed that Commissioners shall be appointed to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI of this treaty, the amount of any compensation which, in their opinion, ought to be paid by the Government of the United States to the Government of Her Britannic Majesty in return for the privileges accorded to the citizens of the United States under Article XVIII of this treaty; and that any sum of money which the said Commissioners may so award shall be paid by the United States Government, in a gross sum, within twelve months after such award shall have been given.

Award, when to be paid.

ARTICLE XXIII.

The Commissioners referred to in the preceding article shall be appointed in the following manner, that is to say: One Commissioner shall be named by the President of the United States, one by Her Britannic Majesty, and a third by the President of the United States and Her Britannic Majesty conjointly; and in case the third Commissioner shall not have been so named within a period of three months from the date when this article shall take effect, then the third Commissioner shall be named by the Representative at London of His Majesty the Emperor of Austria and King of Hungary. In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment, the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

Commissioners, how to be appointed.

Vacancies.

The Commissioners so named shall meet in the city of Halifax, in the province of Nova Scotia, at the earliest convenient period after they have been respectively named, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide the matters referred to them to the best of their judgment, and according to justice and equity; and such declaration shall be entered on the record of their proceedings.

When and where to meet.

Their powers and duties.

Each of the high contracting parties shall also name one person to attend the commission as its Agent, to represent it generally in all matters connected with the commission.

Agents for each Government.

ARTICLE XXIV.

The proceedings shall be conducted in such order as the Commissioners appointed under Articles XXII and XXIII of this treaty shall determine. They shall be bound to receive such oral or written testimony as either Government may present. If either party shall offer oral testimony, the other party shall have the right of cross-examination, under such rules as the Commissioners shall prescribe.

Proceedings before these Commissioners, how to be conducted.

If in the case submitted to the Commissioners either party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof; and either party may call upon the other, through the Commissioners, to produce the originals or certified

Documents and papers.

copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Commissioners may require.

The case on either side shall be closed within a period of six months from the date of the organization of the Commission, and the Commissioners shall be requested to give their award as soon as possible thereafter. The aforesaid period of six months may be extended for three months in case of a vacancy occurring among the Commissioners under the circumstances contemplated in Article XXIII of this treaty.

Cases to be closed in six months.

Awards.

ARTICLE XXV.

The Commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a Secretary and any other necessary officer or officers to assist them in the transaction of the business which may come before them.

Records.

Secretary, &c.

Each of the high contracting parties shall pay its own Commissioner and Agent or Counsel; all other expenses shall be defrayed by the two Governments in equal moieties.

Expenses.

ARTICLE XXVI.

The navigation of the river St. Lawrence, ascending and descending, from the forty-fifth parallel of north latitude, where it ceases to form the boundary between the two countries, from, to, and into the sea, shall forever remain free and open for the purposes of commerce to the citizens of the United States, subject to any laws and regulations of Great Britain, or of the Dominion of Canada, not inconsistent with such privilege of free navigation.

Navigation of the St. Lawrence to be free.

The navigation of the rivers Yukon, Porcupine, and Stikine, ascending and descending, from, to, and into the sea, shall forever remain free and open for the purposes of commerce to the subjects of Her Britannic Majesty and to the citizens of the United States, subject to any laws and regulations of either country within its own territory, not inconsistent with such privilege of free navigation.

Of other rivers.

ARTICLE XXVII.

The Government of Her Britannic Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion; and the Government of the United States engages that the subjects of Her Britannic Majesty shall enjoy the use of the St. Clair Flats canal on terms of equality with the inhabitants of the United States, and further engages to urge upon the State Governments to secure to the subjects of Her Britannic Majesty the use of the several State canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the possessions of the high contracting parties, on terms of equality with the inhabitants of the United States.

The use on terms of equality of certain canals by citizens of both countries, to be urged.

ARTICLE XXVIII.

The navigation of Lake Michigan shall also, for the term of years men

Navigation of Lake Michigan.

tioned in Article XXXIII of this treaty, be free and open for the purposes of commerce to the subjects of Her Britannic Majesty, subject to any laws and regulations of the United States or of the States bordering thereon not inconsistent with such privilege of free navigation.

ARTICLE XXIX.

Provisions for the conveyance in transit through territory of the United States of certain merchandise imported at certain ports of the United States, and of goods intended for export.

It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been or may, from time to time, be specially designated by the President of the United States, and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Government of the United States may from time to time prescribe; and under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such possessions through the territory of the United States for export from the said ports of the United States.

Reciprocal provisions as to conveyance in transit through British territory.

It is further agreed that, for the like period, goods, wares, or merchandise arriving at any of the ports of Her Britannic Majesty's possessions in North America, and destined for the United States, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the said possessions, under such rules and regulations, and conditions for the protection of the revenue, as the Governments of the said possessions may from time to time prescribe; and, under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without payment of duties, from the United States through the said possessions to other places in the United States, or for export from ports in the said possessions.

ARTICLE XXX.

British subjects may carry in British vessels goods free of duty from certain ports of the United States to other such ports, if part of such carriage is through Canada by land and in bond.

It is agreed that, for the terms of years mentioned in Article XXXIII of this treaty, subjects of Her Britannic Majesty may carry in British vessels, without payment of duty, goods, wares, or merchandise from one port or place within the territory of the United States upon the St. Lawrence, the great lakes, and the rivers connecting the same, to another port or place within the territory of the United States as aforesaid: Provided, That a portion of such transportation is made through the Dominion of Canada by land carriage and in bond, under such rules and regulations as may be agreed upon between the Government of Her Britannic Majesty and the Government of the United States.

Reciprocal privileges granted to citizens of the United States.

Citizens of the United States may for the like period carry in United States vessels, without payment of duty, goods, wares, or merchandise from one port or place within the possessions of Her Britannic Majesty in North America to another port or place within the said possessions: Provided, That a portion of such transportation is made through the territory of the United States by and carriage and in bond, under such rules and regulations as may be

agreed upon between the Government of the United States and the Government of Her Britannic Majesty.

The Government of the United States further engages not to impose any export duties on goods, wares, or merchandise carried under this article through the territory of the United States; and Her Majesty's Government engages to urge the Parliament of the Dominion of Canada and the Legislatures of the other colonies not to impose any export duties on goods, wares, or merchandise carried under this article; and the Government of the United States may, in case such export duties are imposed by the Dominion of Canada, suspend, during the period that such duties are imposed, the right of carrying granted under this article in favor of the subjects of Her Britannic Majesty.

Provision as to export duties on goods carried under this article.

The Government of the United States may suspend the right of carrying granted in favor of the subjects of Her Britannic Majesty under this article, in case the Dominion of Canada should at any time deprive the citizens of the United States of the use of the canals in the said Dominion on terms of equality with the inhabitants of the Dominion, as provided in Article XXVII.

Privileges granted by this article may be suspended by the United States, if, &c.

ARTICLE XXXI.

The Government of Her Britannic Majesty further engages to urge upon the Parliament of the Dominion of Canada and the Legislature of New Brunswick, that no export duty, or other duty, shall be levied on lumber or timber of any kind cut on that portion of the American territory in the State of Maine watered by the river St. John and its tributaries, and floated down that river to the sea, when the same is shipped to the United States from the province of New Brunswick. And, in case any such export or other duty continues to be levied after the expiration of one year from the date of the exchange of the ratifications of this treaty, it is agreed that the Government of the United States may suspend the right of carrying hereinbefore granted under Article XXX of this treaty for such period as such export or other duty may be levied.

Provision as to duty on lumber cut in Maine, floated down the St. John and shipped to the United States from New Brunswick.

ARTICLE XXXII.

It is further agreed that the provisions and stipulations of Articles XVIII to XXV of this treaty, inclusive, shall extend to the colony of Newfoundland, so far as they are applicable. But if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States, shall not embrace the colony of Newfoundland in their laws enacted for carrying the foregoing articles into effect, then this article shall be of no effect; but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair any other articles of this treaty.

Provisions of Articles XVIII to XXV to extend to Newfoundland.

Proviso.

ARTICLE XXXIII.

The foregoing Articles XVIII to XXV, inclusive, and Article XXX of this treaty, shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island on the one

Articles XVIII to XXV and Article XXX when to take effect

hand, and by the Congress of the United States on the other. Such assent having been given, the said articles shall remain in force for the period of ten years from the date at which they may come into operation; and further until the expiration of two years after either of the high contracting parties shall have given notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said period of ten years or at any time afterward.

How long to continue.

ARTICLE XXXIV.

The decision as to a portion of the boundary line between the United States and British Possessions west of the Rocky Mountains under the first article of the treaty of June 15, 1846, to be left to the arbitration of the Emperor of Germany.

Whereas it was stipulated by Article I of the treaty concluded at Washington on the 15th of June, 1846, between the United States and Her Britannic Majesty, that the line of boundary between the territories of the United States and those of Her Britannic Majesty, from the point on the forty-ninth parallel of north latitude up to which it had already been ascertained, should be continued westward along the said parallel of north latitude "to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly, through the middle of the said channel and of Fuca Straits, to the Pacific Ocean;" and whereas the Commissioners appointed by the two high contracting parties to determine that portion of the boundary which runs southerly through the middle of the channel aforesaid, were unable to agree upon the same; and whereas the Government of Her Britannic Majesty claims that such boundary line should, under the terms of the treaty above recited, be run through the Rosario Straits, and the Government of the United States claims that it should be run through the Canal de Haro, it is agreed that the respective claims of the Government of the United States and of the Government of Her Britannic Majesty shall be submitted to the arbitration and award of His Majesty the Emperor of Germany, who, having regard to the above-mentioned article of the said treaty, shall decide thereupon, finally and without appeal, which of those claims is most in accordance with the true interpretation of the treaty of June 15, 1846.

ARTICLE XXXV.

Award of the Emperor of Germany; its form and effect, and how delivered.

The award of His Majesty the Emperor of Germany shall be considered as absolutely final and conclusive; and full effect shall be given to such award without any objection, evasion, or delay whatsoever. Such decision shall be given in writing and dated; it shall be in whatsoever form His Majesty may choose to adopt; it shall be delivered to the Representatives or other public Agents of the United States and of Great Britain, respectively, who may be actually at Berlin, and shall be considered as operative from the day of the date of the delivery thereof.

ARTICLE XXXVI.

The case of the two parties to be laid before the Arbitrator; how and within what time.

The written or printed case of each of the two parties, accompanied by the evidence offered in support of the same, shall be laid before His Majesty the Emperor of Germany within six months from the date of the exchange of the ratifications of this treaty, and a copy of such case and evidence shall be communicated by each party to the other, through their respective Representatives at Berlin.

The high contracting parties may include in the evidence to be con-

sidered by the Arbitrator such documents, official correspondence, and other official or public statements bearing on the subject of the reference as they may consider necessary to the support of their respective cases.

After the written or printed case shall have been communicated by each party to the other, each party shall have the power of drawing up and laying before the Arbitrator a second and definitive statement, if it think fit to do so, in reply to the case of the other party so communicated, which definitive statement shall be so laid before the Arbitrator, and also be mutually communicated in the same manner as aforesaid, by each party to the other, within six months from the date of laying the first statement of the case before the Arbitrator.

ARTICLE XXXVII.

Papers and documents.

If, in the case submitted to the Arbitrator, either party shall specify or allude to any report or document in its own exclusive possession without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof, and either party may call upon the other, through the Arbitrator, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Arbitrator may require. And if the Arbitrator should desire further elucidation or evidence with regard to any point contained in the statements laid before him, he shall be at liberty to require it from either party, and he shall be at liberty to hear one Counsel or Agent for each party, in relation to any matter, and at such time, and in such manner, as he may think fit.

Further evidence.

ARTICLE XXXVIII.

Agents of each Government before the Arbitrator.

The Representatives or other public Agents of the United States and of Great Britain at Berlin, respectively, shall be considered as the Agents of their respective Governments to conduct their cases before the Arbitrator, who shall be requested to address all his communications and give all his notices to such Representatives or other public Agents, who shall represent their respective Governments generally, in all matters connected with the arbitration.

ARTICLE XXXIX.

Arbitrator to proceed in said arbitration in person, or, &c.

It shall be competent to the Arbitrator to proceed in the said arbitration, and all matters relating thereto, as and when he shall see fit, either in person, or by a person or persons named by him for that purpose, either in the presence or absence of either or both Agents, and either orally or by written discussion or otherwise.

ARTICLE XL.

Secretary or Clerk.

The Arbitrator may, if he think fit, appoint a Secretary, or Clerk, for the purposes of the proposed arbitration, at such rate of remuneration as he shall think proper. This, and all other expenses of and connected with the said arbitration, shall be provided for as hereinafter stipulated.

ARTICLE XLI.

Costs and expenses, and how to be paid.

The Arbitrator shall be requested to deliver, together with his award, an account of all the costs and expenses which he may have been put to in relation to this matter, which shall forthwith be repaid by the two Governments in equal moieties.

ARTICLE XLII.

Form of award, and when and how to be delivered.

The Arbitrator shall be requested to give his award in writing as early as convenient after the whole case on each side shall have been laid before him, and to deliver one copy thereof to each of the said Agents.

ARTICLE XLIII.

Ratifications.

The present treaty shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratifications shall be exchanged either at Washington or at London within six months from the date hereof, or earlier if possible.

Signature.

In faith whereof, we, the respective Plenipotentiaries, have signed this treaty and have hereunto affixed our seals.

Done in duplicate at Washington the eighth day of May, in the year of our Lord one thousand eight hundred and seventy-one.

[L. S.]	HAMILTON FISH.
[L. S.]	ROBT. C. SCHENCK.
[L. S.]	SAMUEL NELSON.
[L. S.]	EBENEZER ROCKWOOD HOAR.
[L. S.]	GEO. H. WILLIAMS.
[L. S.]	DE GREY & RIPON.
[L. S.]	STAFFORD H. NORTHCOTE.
[L. S.]	EDWD. THORNTON.
[L. S.]	JOHN A. MACDONALD.
[L. S.]	MOUNTAGUE BERNARD.

DECISIONS OF THE COURTS OF THE UNITED STATES IN CASES ARISING UNDER THE TREATIES WITH GREAT BRITAIN.

The fifth article of the treaty of peace of 1783 applies to those cases where an actual confiscation has taken place, and stipulates that in such cases the interest of all persons having a lien upon such lands shall be preserved. That clause of the treaty preserved the lien of a mortgagee of confiscated lands which at the time of the treaty remained unsold. (*Higginson* v. *Mein*, 4 Cranch, 415.)

The treaties with Great Britain of 1783 and 1794 only provide for titles existing at the time those treaties were made, and not for titles subsequently acquired. Actual possession of property is not necessary to give the party the benefit of the treaty. (*Blight's Lessee* v. *Rochester*, 7 Wheat., 535.)

Where J. D., an alien and British subject, came into the United States subsequent to the treaty of 1783, and, before the treaty of 1794 was signed, died seized of lands, it was held that the title of his heirs to the land was not protected by the treaty of 1794. (*Ibid.*)

Thomas Scott, a native of South Carolina, died in 1782, intestate, seized of land on James Island, having two daughters, Ann and Sarah, both born in South Carolina before the Declaration of Independence. Sarah married D. P., a citizen of South Carolina, and died in 1802 entitled to one-half of the estate. The British took possession of James Island and Charleston in February and May, 1780; and in 1781 Ann Scott married Joseph Shanks, a British officer, and at the evacuation of Charleston in 1782 she went to England with her husband, where she remained until her death in 1801. She left five children, born in England. They claimed the other moiety of the real estate of Thomas Scott, in right of their mother, under the ninth article of the treaty of peace between this country and Great Britain of the 19th of November, 1794. *Held*, that they were entitled to recover and hold the same. (*Shanks et al.* v. *Dupont et al.*, 3 Peters, 242.)

All British-born subjects whose allegiance Great Britain has never renounced ought, upon general principles of interpretation, to be held within the intent, as they certainly are within the words, of the treaty of 1794. (*Ibid.*, 250.)

The treaty of 1783 acted upon the state of things as it existed at that period. It took the actual state of things as its basis. All those, whether natives or otherwise,

who then adhered to the American States, were virtually absolved from all allegiance to the British Crown; all those who then adhered to the British Crown were deemed and held subjects of that Crown. The treaty of peace was a treaty operating between States and the inhabitants thereof. (*Ibid.*, 274.)

The several States which compose this Union, so far, at least, as regarded their municipal regulations, became entitled from the time when they declared themselves independent to all the rights and powers of sovereign States, and did not derive them from concessions of the British King. The treaty of peace contains a recognition of the independence of these States, not a grant of it. The laws of the several State governments passed after the Declaration of Independence were the laws of sovereign States, and as such were obligatory upon the people of each State. (*M'Ilvaine* v. *Coxe's Lessee*, 4 Cranch, 209.)

The property of British corporations in this country is protected by the sixth article of the treaty of peace of 1783, in the same manner as those of natural persons, and their title, thus protected, is confirmed by the ninth article of the treaty of 1794, so that it could not be forfeited by any intermediate legislative act or other proceeding for the defect of alienage. (*The Society for Propagating the Gospel, &c.*, v. *New Haven*, 8 Wheat., 464.)

The treaty of peace between the United States and Great Britain prevents the operation of the act of limitations of Virginia upon British debts contracted before that treaty. (*Hopkirk* v. *Bell*, 3 Cranch, 454.)

The treaty of peace of 1783 between the United States and Great Britain was a mere recognition of pre-existing rights as to territory, and no territory was thereby acquired by way of cession from Great Britain. (*Harcourt et al.* v. *Gaillard*, 12 Wheat., 523.)

The act of the legislature of Virginia of 1799, entitled "An act concerning escheats and forfeitures from British subjects," and under which a debtor to a subject of Great Britain had, in conformity to the provisions of that law, during the war paid into the loan-office of the State a portion of the debt due by him, did not operate to protect the debtor from a suit for such debt after the treaty of peace in 1783. The statute of Virginia, if it was valid and the legislature could pass such a law, was annulled by the fourth article of the treaty; and, under this article, suits for the recovery of debts so due might be maintained, the provisions of the Virginia law to the contrary notwithstanding. (*Ware* v. *Hylton*, 3 Dall., 199.)

Debts due in the United States to British subjects before the war of the Revolution, though sequestered or paid into the State treasuries, revived by the treaty of peace of 1783, and the creditors are entitled to recover them from the original debtors. (*Georgia* v. *Brailsford*, 3 Dall., 1.)

G. C., born in the colony of New York, went to England in 1738, where he resided until his decease; and being seized of lands in New York, he, on the 30th of November, 1776, in England, devised the same to the defendant and E. C. as tenants in common, and died so seized on the 10th of December, 1776. The defendant and E. C. having entered and becoming possessed, E. C., on the 3d December, 1791, bargained and sold to the defendant all his interest. The defendant and E. C. were both born in England long before the Revolution. On the 22d March, 1791, the legislature of New York passed an act to enable the defendant to purchase lands and to hold all other lands which he might then be entitled to within the State, by purchase or descent, in fee simple, and to sell and dispose of the same, in the same manner as any natural-born citizen might do. The treaty between the United States and Great Britain of 1794 contains the following provision: "Article IX. It is agreed that British subjects who now hold lands in the territories of the United States, and American citizens who now hold lands in the dominions of His Majesty, shall continue to hold them according to the nature and tenure of their respective estates and titles therein, and may grant, sell or devise the same to whom they please, in like manner as if they were natives; and that neither they nor their heirs or assigns shall, so far as respects the said lands and the legal remedies incident thereto, be considered as aliens." The defendant, at the time of the action brought, still continued to be a British subject. *Held*, that he was entitled to hold the lands so devised to him by G. C. and transferred to him by E. C. (*New York* v. *Clarke*, 3 Wheat., 1.)

By the treaty of 1783 the United States succeeded to all the rights that existed in the King of France in that part of Canada which now forms the State of Michigan prior to its conquest by Great Britain in 1750, and among them that of dealing with seigniorial estates for a forfeiture for non-fulfilment of the conditions of the fief. (*United States* v. *Repentigny*, 5 Wallace, 211.)

Lands granted by the acts of March 3, 1807, in fulfilment of the second article of the treaty of 1794, were not donations. (*Forsyth* v. *Reynolds*, 15 Howard, 358.)

The reciprocity treaty of 1854 did not release a forfeiture previously incurred. (*Pine Lumber*, 4 Blatchford's Circuit Court Reports.)

There is nothing in the treaties with Great Britain which gives a British merchant resident in a port of the seceded States during the war an immunity from the general principles of public law applicable to resident neutral merchants. (*The Sarah Starr*, Blatchford's Prize Cases, 69.)

GREECE.

GREECE, 1837.

TREATY OF COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF GREECE. CONCLUDED DECEMBER 10-22, 1837; RATIFICATIONS EXCHANGED JUNE 13-25, 1838; PROCLAIMED AUGUST 30, 1838.

Desire to maintain good understanding, &c.

The United States of America and His Majesty the King of Greece, equally animated with the sincere desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective States; of extending, also, and consolidating the commercial intercourse between them; and convinced that this object cannot better be accomplished than by adopting the system of an entire freedom of navigation, and a perfect reciprocity, based upon principles of equity, equally beneficial to both countries; have, in consequence, agreed to enter into negotiations for the conclusion of a treaty of commerce and navigation, and for that purpose have appointed Plenipotentiaries:

Negotiators.

The President of the United States of America, Andrew Stevenson, Envoy Extraordinary and Minister Plenipotentiary of the United States near the court of Her Britannic Majesty; and His Majesty the King of Greece, Spiridion Tricoupi, Councillor of State on Special Service, his Envoy Extraordinary and Minister Plenipotentiary near the same court, Grand Commander of the Royal Order of the Saviour, Grand Cross of the American Order of Isabella the Catholic;

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Citizens of each party at liberty to reside in the teritories of the other.

The citizens and subjects of each of the two high contracting parties may, with all security for their persons, vessels, and cargoes, freely enter the ports, places, and rivers of the territories of the other, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories; to rent and occupy houses and warehouses for their commerce; and they shall enjoy, generally, the most entire security and protection in their mercantile transactions, on conditions of their submitting to the laws and ordinances of the respective countries.

ARTICLE II.

Tonnage duties, &c.

Greek vessels arriving, either laden or in ballast, into the ports of the United States of America, from whatever place they may come, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming

from the same place, with respect to the duties of tonnage, light-houses, pilotage, and port charges, as well as to the perquisites of public officers, and all other duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishment whatsoever; and, reciprocally, the vessels of the United States of America arriving, either laden or in ballast, into the ports of the Kingdom of Greece, from whatever place they may come, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, light-houses, pilotage, and port charges, as well as to the perquisites of public officers, and all other duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever.

ARTICLE III.

Freedom of importation.

All that may be lawfully imported into the United States of America, in vessels of the said States, may also be thereinto imported in Greek vessels, from whatever place they may come, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if imported in national vessels.

And, reciprocally, all that may be lawfully imported into the Kingdom of Greece, in Greek vessels, may also be thereinto imported in vessels of the United States of America, from whatever place they may come, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if imported in national vessels.

ARTICLE IV.

Freedom of exportation.

All that may be lawfully exported from the United States of America, in vessels of the said States, may also be exported therefrom in Greek vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if exported in national vessels.

And, reciprocally, all that may be lawfully exported from the Kingdom of Greece, in Greek vessels, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties or charges of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if exported in national vessels.

ARTICLE V.

Coasting trade.

It is expressly understood that the foregoing second, third, and fourth articles are not applicable to the coastwise navigation from one port of the United States of America to another port of the said States, nor to the navigation from one port of the Kingdom of Greece to another port of the said Kingdom; which navigation each of the two high contracting parties reserves to itself.

ARTICLE VI.

Neither party to grant any preference, &c.

Each of the two high contracting parties engages not to grant in its purchases, or in those which might be made by companies or agents acting in its name, or under its authority, any preference to importations made in its own vessels, or in those of a third Power, over those made in the vessels of the other contracting party.

ARTICLE VII.

Duties.

The two high contracting parties engage not to impose upon the navigation between their respective territories, in the vessels of either, any tonnage or other duties of any kind or denomination which shall be higher or other than those which shall be imposed on every other navigation, except that which they have reserved to themselves, respectively, by the fifth article of the present treaty.

ARTICLE VIII.

Prohibition.

There shall not be established in the United States of America, upon the products of the soil, or industry of the Kingdom of Greece, any prohibition, or restriction, of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions, and duties shall likewise be established upon articles of like nature, the growth of any other country.

And, reciprocally, there shall not be established in the Kingdom of Greece, on the products of the soil or industry of the United States of America, any prohibition or restriction of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions, and duties be likewise established upon articles of like nature, the growth of any other country.

ARTICLE IX.

Privileges of transit, &c.

All privileges of transit, and all bounties and drawbacks which may be allowed within the territories of one of the high contracting parties, upon the importation or exportation of any article whatsover, shall likewise be allowed on the articles of like nature, the products of the soil, or industry of the other contracting party, and on the importations and exportations made in its vessels.

ARTICLE X.

Vessels entering the ports of either party, but not wishing to unload.

The citizens or subjects of one of the high contracting parties, arriving with their vessels on the coasts belonging to the other, but not wishing to enter the port; or, after having entered therein, not wishing to unload any part of their cargo, shall be at liberty to depart and continue their voyage without paying any other duties, imposts, or charges whatsoever, for the vessel and cargo, than those of pilotage, wharfage, and for the support of light-houses, when such duties shall be levied on national vessels in similar cases.

Custom-house regulations, &c.

It is understood, however, that they shall always conform to such regulations and ordinances concerning navigation and the places and ports which they may enter, as are, or shall be, in force with regard to national vessels, and that the custom-house officers

shall be permitted to visit them, to remain on board, and to take all such precautions as may be necessary to prevent all unlawful commerce, as long as the vessels shall remain within the limits of their jurisdiction.

ARTICLE XI.

It is further agreed that the vessels of one of the high contracting parties, having entered into the ports of the other, will be permitted to confine themselves to unloading such part only of their cargoes as the captain or owner may wish, and that they may freely depart with the remainder without paying any duties, imposts, or charges whatsover, except for that part which shall have been landed, and which shall be marked upon and erased from the manifest exhibiting the enumeration of the articles with which the vessel was laden; which manifest shall be presented entire at the custom-house of the place where the vessel shall have entered. Nothing shall be paid on that part of the cargo which the vessel shall carry away, and with which it may continue its voyage to one or several other ports of the same country, there to dispose of the remainder of its cargo, if composed of articles whose importation is permitted on paying the duties chargeable upon it, or it may proceed to any other country. It is understood, however, that all duties, imposts, or charges whatsoever, which are or may become chargeable upon the vessels themselves, must be paid at the first port where they shall break bulk, or unlade part of their cargoes; but that no duties, imposts, or charges of the same description shall be demanded anew in the ports of the same country, which such vessels might afterwards wish to enter, unless national vessels be in similar cases subject to some ulterior duties.

Vessels unloading part of their cargo.

Duties chargeable on the vessels.

ARTICLE XII.

Each of the high contracting parties grants to the other the privilege of appointing in its commercial ports and places Consuls, Vice-Consuls, and commercial agents, who shall enjoy the full protection and receive every assistance necessary for the due exercise of their functions; but it is expressly declared that in case of illegal or improper conduct with respect to the laws or Government of the country in which said Consuls, Vice-Consuls, or commercial agents shall reside, they may be prosecuted and punished conformably to the laws, and deprived of the exercise of their functions by the offended Government, which shall acquaint the other with its motives for having thus acted; it being understood, however, that the archives and documents relative to the affairs of the consulate shall be exempt from all search, and shall be carefully preserved under the seals of the Consuls, Vice-Consuls, or commercial agents, and of the authority of the place where they may reside.

Consuls.

Archives, &c., of consulates.

The Consuls, Vice-Consuls, or commercial agents, or the persons duly authorized to supply their places, shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge without the interference of the local authorities, unless the conduct of the crews, or of the captain, should disturb the order or tranquillity of the country; or the said Consuls, Vice-Consuls, or commercial agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood,

Consuls, &c., to judge and arbitrate in certain cases.

that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

ARTICLE XIII.

The said Consuls, Vice-Consuls, or commercial agents are authorized to require the assistance of the local authorities for the arrest, detention, and imprisonment of the deserters from the ships of war and merchant vessels of their country; and for this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews, and on this reclamation being thus substantiated the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or commercial agents, and may be confined in the public prisons at the request and cost of those who claim them, in order to be sent to the vessels to which they belonged, or to others of the same country. But if not sent back within the space of two months, reckoning from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

Deserters, when and how arrested, and how to be disposed of.

It is understood, however, that if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which the case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

ARTICLE XIV.

In case any vessel of one of the high contracting parties shall have been stranded or shipwrecked, or shall have suffered any other damage on the coasts of the dominions of the other, every aid and assistance shall be given to the persons shipwrecked or in danger, and passports shall be granted to them to return to their country. The shipwrecked vessels and merchandise, or their proceeds, if the same shall have been sold, shall be restored to their owners, or to those entitled thereto, if claimed within a year and a day, upon paying such costs of salvage as would be paid by national vessels in the same circumstances; and the salvage companies shall not compel the acceptance of their services except in the same cases and after the same delays as shall be granted to the captains and crews of national vessels. Moreover, the respective Governments will take care that these companies do not commit any vexatious or arbitrary acts.

Assistance to shipwrecked vessels, &c.

ARTICLE XV.

It is agreed that vessels arriving directly from the United States of America at a port within the dominions of His Majesty the King of Greece, or from the Kingdom of Greece at a port of the United States of America, and provided with a bill of health granted by an officer having competent power to that effect at the port whence such vessel shall have sailed, setting forth that no malignant or contagious diseases prevailed in that port, shall be subjected to no other quarantine than such as may be necessary for the visit of the health officer of the port where such vessels shall have arrived, after which said vessels shall be allowed immediately to enter and unload their car-

Quarantine.

goes: Provided, always, that there shall be on board no person who, during the voyage, shall have been attacked with any malignant or contagious diseases; that such vessels shall not during their passage have communicated with any vessel liable itself to undergo a quarantine, and that the country whence they came shall not at that time be so far infected or suspected that before their arrival an ordinance had been issued, in consequence of which all vessels coming from that country should be considered as suspected, and consequently subject to quarantine.

ARTICLE XVI.

Merchant vessels attempting to enter a blockaded port, &c.

Considering the remoteness of the respective countries of the two high contracting parties, and the uncertainty resulting therefrom with respect to the various events which may take place, it is agreed that a merchant vessel belonging to either of them which may be bound to a port supposed at the time of its departure to be blockaded, shall not, however, be captured or condemned for having attempted a first time to enter said port, unless it can be proved that said vessel could and ought to have learned during its voyage that the blockade of the place in question still continued. But all vessels which, after having been warned off once, shall during the same voyage attempt a second time to enter the same blockaded port, during the continuance of said blockade, shall then subject themselves to be detained and condemned.

ARTICLE XVII.

Duration of the treaty.

The present treaty shall continue in force for ten years, counting from the day of the exchange of the ratifications, and if, before the expiration of the first nine years, neither of the high contracting parties shall have announced by an official notification to the other its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on, until the expiration of the twelve months which will follow a similar notification, whatever the time at which it may take place.

ARTICLE XVIII.

Ratifications.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate, and by His Majesty the King of Greece, and the ratifications to be exchanged at London within the space of twelve months from the signature, or sooner if possible.

In faith whereof the respective Plenipotentiaries of the high contracting parties have signed the present treaty, both in English and French, and have affixed thereto their seals.

Done in duplicate at London, the tenth/twenty-second of December, in the year of our Lord one thousand eight hundred and thirty-seven.

A. STEVENSON. [L. S.]
S. TRICOUPI. [L. S.]

GUATEMALA.

GUATEMALA, 1849.

TREATY WITH GUATEMALA. CONCLUDED MARCH 3, 1849; RATIFICATIONS EXCHANGED MAY 13, 1852; PROCLAIMED JULY 28, 1852.

General convention of peace, amity, commerce, and navigation between the United States of America and the Republic of Guatemala.

Preamble.

The United States of America and the Republic of Guatemala, desiring to make firm and permanent the peace and friendship which happily prevails between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall in future be religiously observed between the one and the other, by means of a treaty or general convention of peace, friendship, commerce, and navigation.

Negotiators.

For this most desirable object the President of the United States of America has conferred full powers on Elijah Hise, Chargé d'Affaires of the United States near this Republic, and the Executive Power of the Republic of Guatemala on the Sr. Licdo. D. José Mariano Rodriguez, Secretary of State and of the Department of Foreign Relations; who, after having exchanged their said full powers in due and proper form, have agreed to the following articles:

ARTICLE I.

Peace and friendship.

There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic of Guatemala, in all the extent of their possessions and territories, and between their people and citizens respectively, without distinction of persons or places.

ARTICLE II.

Favors granted.

The United States of America and the Republic of Guatemala, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

ARTICLE III.

Right to navigate and trade.

The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and

countries of the other, and reside and trade there in all kinds of produce, manufactures, and merchandise; and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce which native citizens do or shall enjoy, submitting themselves to the laws, decrees, and usages there established, to which native citizens are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved to the parties respectively, according to their own separate laws.

Coasting trade.

ARTICLE IV.

They likewise agree that whatever kind of produce, manufacture, or merchandise of any foreign country can be from time to time lawfully imported into the United States in their own vessels, may be also imported in vessels of the Republic of Guatemala; and that no higher or other duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other; and, in like manner, that whatever kind of produce, manufacture, or merchandise of any foreign country can be from time to time lawfully imported into the Republic of Guatemala in its own vessels, may be also imported in vessels of the United States, and that no higher or other duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other. And they further agree that whatever may be lawfully exported or re-exported from the one country in its own vessels to any foreign country, may be in like manner exported or re-exported in vessels of the other country. And the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of the Republic of Guatemala.

Privileges to the vessels of each nation.

ARTICLE V.

No higher or other duties shall be imposed on the importation into the United States of any articles the produce or manufactures of the Republic of Guatemala, and no higher or other duties shall be imposed on the importation into the Republic of Guatemala of any articles the produce or manufactures of the United States, than are or shall be payable in like articles being the produce or manufactures of any other foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries on the exportation of any articles to the United States or to the Republic of Guatemala, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles the produce or manufactures of the United States or of the Republic of Guatemala, to or from the territories of the United States, or to or from the territories of the Republic of Guatemala, which shall not equally extend to all other nations.

Discriminating duties.

ARTICLE VI.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries to manage themselves their own business in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise, by whole-

Privileges of citizens of either nation in the other.

sale or retail, as with respect to the loading, unloading, and sending off their ships; they being in all these cases to be treated as citizens of the country in which they reside, or at least to be placed on a footing with the subjects or citizens of the most favoured nation.

ARTICLE VII.

Embargo or detention for military purposes.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandise, or effects, for any military expedition, not for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

ARTICLE VIII.

Vessels of either party seeking refuge in the ports, &c., of the other.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, giving to them all favour and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

ARTICLE IX.

Property captured by pirates.

All the ships, merchandise, and effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals; it being well understood that the claim should be made within the term of one year, by the parties themselves, their attorneys, or agents of their respective Governments.

ARTICLE X.

Provision for the case of wrecks, &c.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts, or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel (if necessary) of its merchandise and effects, without exacting for it any duty, impost, or contribution whatever, provided the same be exported.

ARTICLE XI.

Provision respecting real or personal estate held by citizens of either nation in the other.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and they may take possession thereof, by themselves, or others acting for them, and dispose of the same at their will, paying

such dues only as the inhabitants of the country wherein said goods are or shall be subject to pay in like cases. And if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same as they may think proper, and to withdraw the proceeds, without molestation, and exempt from all duties of detraction on the part of the Government of the respective States.

ARTICLE XII.

Property of citizens of either nation to be protected in the other.

Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or of the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors as they may judge proper in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

ARTICLE XIII.

Rights of conscience.

Burial.

It is likewise agreed that the most perfect and entire security of conscience shall be enjoyed by the citizens of both the contracting parties in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties who may die in the territories of the other shall be buried in the usual burying-grounds, or in other decent or suitable places, and shall be protected from violation or disturbance.

ARTICLE XIV.*

Trade with enemies.

Free ships, free goods.

It shall be lawful for the citizens of the United States of America and of the Republic of Guatemala to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port, to the places of those who now are or hereafter shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandises before mentioned, and to trade with the same liberty and security, from the places, ports, and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one Power or under several. And it is hereby stipulated that free ships shall also give freedom to goods, and that everything shall be deemed to be free and exempt which shall be found on board the

ships belonging to the citizens of either of the contracting parties, although the whole lading or any part thereof should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies of both or either party, they are not to be taken out of that free ship unless they are officers or soldiers, and in the actual service of the enemies; provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those Powers only who recognize this principle; but if either of the two contracting parties shall be at war with a third and the other neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not of others.

ARTICLE XV.

Provision respecting neutral property in an enemy's vessel.

It is likewise agreed that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree that, two months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandises of the neutral embarked in such enemy's ship shall be free.

ARTICLE XVI.

Contraband articles.

This liberty of navigation and commerce shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended:

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuzees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and granades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2dly. Bucklers, hemlets, breast-plates, coats of mail, infantry belts, and clothes made up in the form and for a military use.

3dly. Cavalry belts, and horses with their furniture.

4thly. And generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed expressly to make war by sea or land.

ARTICLE XVII.

Goods considered as free.

All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner, by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in

Blockade or siege.

this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

ARTICLE XVIII.

The articles of contraband before enumerated and classified which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk that they cannot be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

Mode of proceeding when only part of the goods are contraband.

ARTICLE XIX.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained; nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from the commanding officer of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either of the parties, that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo; nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

Blockades and sieges.

ARTICLE XX.

In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed, mutually, that whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon-shot, and may send its boat, with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, for which the commanders of the said armed ships shall be responsible, with their persons and property; for which purpose, the commanders of the said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting her papers, or for any other purpose whatever.

Right of visitation and search.

ARTICLE XXI.

To avoid all kind of vexation and abuse in the examination of the

Ship's papers in case of a war.

papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens of one of the parties. They have likewise agreed, that such ships, being laden, besides the said sea-letters or passports, shall also be provided with certificates containing the several particulars of the cargo and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed in the accustomed form; without which requisites said vessel may be detained to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be satisfied or supplied by testimony entirely equivalent.

ARTICLE XXII.

Convoys.

It is further agreed that the stipulations above expressed relative to the visiting and examination of vessels shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and, when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ARTICLE XXIII.

Prize courts.

It is further agreed that in all cases the established courts for prize causes in the country to which the prizes may be conducted shall alone take cognizance of them. And whenever such tribunal of either party shall pronounce judgment against any vessel, or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded; and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel without any delay, he paying the legal fees for the same.

ARTICLE XXIV.

Commissions or letters of marque.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission or letter of marque for the purpose of assisting or co-operating hostilely with the said enemy against the said party so at war, under the pain of being treated as a pirate.

ARTICLE XXV.

Case of war between the contracting nations.

If by any fatality, which cannot be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and

the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe-conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations who may be established in the territories or dominions of the United States of America and of the Republic of Guatemala shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

ARTICLE XXVI.

Debts, &c., in case of war.

Neither the debts due from individuals of the one nation to individuals of the other, nor shares nor moneys which they may have in public funds or in public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

ARTICLE XXVII.

Exemptions of Envoys, &c.

Both the contracting parties, being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the Envoys, Ministers, and other public agents the same favours, immunities, and exemptions which those of the most favoured nation do or shall enjoy; it being understood that whatever favours, immunities, or privileges the United States of America or the Republic of Guatemala may find it proper to give the Ministers and public agents of any other Power, shall, by the same act, be extended to those of each of the contracting parties.

ARTICLE XXVIII.

Consuls and Vice-Consuls.

To make more effectual the protection which the United States of America and the Republic of Guatemala shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favoured nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls and Vice-Consuls may not seem convenient.

ARTICLE XXIX.

Consuls, &c., to exhibit their commissions and to receive an exequatur.

In order that the Consuls and Vice Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and, having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates, and inhabitants in the consular district in which they reside.

ARTICLE XXX.

It is likewise agreed that the Consuls, their secretaries, officers, and

Consuls and their secretaries, &c.

persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside, are subject; being in everything besides subject to the laws of the respective States. The archives and papers of the consulate shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

ARTICLE XXXI.

Deserters.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel's or ship's roll, or other public documents, that those men were part of the said crews; and on this demand, so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said Consuls, and may be put in the public prisons, at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ARTICLE XXXII.

Consular convention.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit, to form a consular convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

ARTICLE XXXIII.

The United States of America and the Republic of Guatemala, desiring to make as durable as circumstances will permit the relations which are to be established between the two parties by virtue of this treaty or general convention of peace, amity, commerce, and navigation, have declared solemnly, and do agree to, the following points:

Duration of treaty.

1st. The present treaty shall remain in full force and virtue for the term of twelve years, to be counted from the day of the exchange of the ratifications, and further until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of twelve years. And it is hereby agreed between them, that on the expiration of one year after such notice shall have been received by either from the other party, this treaty, in all its parts relative to commerce and navigation, shall altogether cease and determine, and in all those parts which relate to peace and friendship it shall be perpetually binding on both Powers.

2dly. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizens shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby; each party engaging in no way to protect the offender or sanction such violation.

3dly. If (which indeed cannot be expected) unfortunately any of the articles contained in the present treaty shall be violated or infringed in any other way whatever, it is expressly stipulated that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

Satisfaction to be demanded before war is declared.

4thly. Nothing in this treaty contained shall, however, be construed or operate contrary to former and existing public treaties with other sovereigns or States.

The present treaty of peace, amity, commerce, and navigation shall be approved and ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by the Government of the Republic of Guatemala, and the ratifications shall be exchanged in the city of Washington or Guatemala within eighteen months, counted from the date of the signature hereof, or sooner if possible.

Ratifications.

In faith whereof we, the Plenipotentiaries of the United States of America and of the Republic of Guatemala, have signed and sealed these presents, in the city of Guatemala, this third day of March, in the year of our Lord one thousand eight hundred and forty-nine.

ELIJAH HISE. [L. S.]
J. MARIANO RODRIGUEZ. [L. S.]

HANOVER.

[All the treaties with Hanover are regarded as having terminated in consequence of its conquest and incorporation into the Kingdom of Prussia in 1866.]

HANOVER, 1840.

TREATY WITH THE KING OF HANOVER. CONCLUDED MAY 20, 1840; RATIFICATIONS EXCHANGED NOVEMBER 14, 1840; PROCLAIMED JANUARY 2, 1841.

The United States of America and His Majesty the King of Hanover, equally animated by the desire of extending as far as possible the commercial relations between, and the exchange of the productions of their respective States, have agreed, with this view, to conclude a treaty of commerce and navigation.

Negotiators.

For this purpose, the President of the United States of America has furnished with full powers Henry Wheaton, their Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of Prussia; and His Majesty the King of Hanover has furnished with the like full powers Le Sieur Auguste de Berger, his Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of Prussia, Lieutenant General, Knight Grand Cross of the Order of Guelph, the Red Eagle of Prussia, the Order of Merit of Oldenburg, &c.;

Who, after exchanging their said full powers, found in good and due form, have concluded and signed, subject to ratification, the following articles:

ARTICLE I.

Reciprocal liberty of commerce and navigation.

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation.

The inhabitants of their respective States shall mutually have liberty to enter, with or without their ships and cargoes, the ports, places, waters, and rivers of the territories of each party wherever foreign commerce is permitted.

They shall be permitted to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and also to hire and occupy houses and warehouses for the purposes of their commerce, provided they submit to the laws, as well general as special, relative to the right of residing and trading.

Whilst they conform to the laws and regulations in force, they shall be at liberty to manage themselves their own business, in all the territories subject to the jurisdiction of each party, in respect to the consignment and sale of their goods, by wholesale or retail, as with respect to the loading, unloading, and sending off their ships, or to employ such agents and brokers as they may deem proper, they being, in all these cases, to be treated as the citizens or subjects of the country in which they reside, it being nevertheless understood that they shall remain sub-

ject to the said laws and regulations also in respect to sales by wholesale or retail.

They shall have free access to the tribunals of justice in their litigious affairs on the same terms which are granted by the law and usage of the country to native citizens or subjects, for which purpose they may employ in defence of their rights such advocates, attorneys, and other agents as they may judge proper.

ARTICLE II.

Duties.

No higher or other duties shall be imposed in any of the ports of the United States on Hanoverian vessels than those payable in the same ports by vessels of the United States; nor in the ports of the Kingdom of Hanover on the vessels of the United States than shall be payable in the same ports on Hanoverian vessels.

Vessels to which the privileges secured by this article extend.

The privileges secured by the present article to the vessels of the respective high contracting parties shall only extend to such as are built within their respective territories, or lawfully condemned as prize of war, or adjudged to be forfeited for a breach of the municipal laws of either of the parties, and belonging wholly to their citizens or subjects respectively, and of which the master, officers, and two-thirds of the crew shall consist of the citizens or subjects of the country to which the vessel belongs.

Duties on imports.

The same duties shall be paid on the importation into the ports of the United States of any articles the growth, produce, or manufacture of the Kingdom of Hanover, or of any other country belonging to the Germanic Confederation and the Kingdom of Prussia, from whatsoever ports of the said country the said vessels may depart, whether such importation shall be in vessels of the United States or in Hanoverian vessels; and the same duties shall be paid on the importation into the ports of the Kingdom of Hanover of any articles the growth, produce, or manufacture of the United States and of every other country of the continent of America and the West India Islands, from whatsoever ports of the said countries the vessels may depart, whether such importation shall be in Hanoverian vessels or the vessels of the United States.

Duties on exports.

The same duties shall be paid and the same bounties allowed on the exportation of any articles the growth, produce, or manufacture of the Kingdom of Hanover, or of any other country belonging to the Germanic Confederation and the Kingdom of Prussia, to the United States, whether such exportation shall be in vessels of the United States, or in Hanoverian vessels, departing from the ports of Hanover; and the same duties shall be paid and the same bounties allowed on the exportation of any articles the growth, produce, or manufacture of the United States and of every other country on the continent of America and the West India Islands, to the Kingdom of Hanover, whether such exportation shall be in Hanoverian vessels or in vessels of the United States departing from the ports of the United States.

ARTICLE III.

Duties on importation of certain articles.

No higher or other duties shall be imposed on the importation into the United States of any articles the growth, produce, or manufacture of the Kingdom of Hanover, and no higher or other duties shall be imposed on the importation into the Kingdom of Hanover of any articles the growth, produce, or manufacture of the

United States, than are or shall be payable on the like articles being the growth, produce, or manufacture of any other foreign country.

Exportations.

No higher or other duties and charges shall be imposed in the United States on the exportation of any articles to the Kingdom of Hanover, or in Hanover on the exportation of any articles to the United States, than such as are or shall be payable on the exportation of the like articles to any other foreign country.

No prohibition shall be imposed on the exportation or importation of any articles the growth, produce, or manufacture of the United States, or the Kingdom of Hanover, to or from the ports of said Kingdom or of the said United States, which shall not equally extend to all other nations.

ARTICLE IV.

Coasting trade.

The preceding articles are not applicable to the coasting trade and navigation of the high contracting parties, which are respectively reserved by each exclusively to its own citizens or subjects.

ARTICLE V.

No preference of importations.

No priority or preference shall be given by either of the contracting parties, nor by any company, corporation, or agent, acting on their behalf, or under their authority, in the purchase of any article of commerce lawfully imported on account or in reference to the national character of the vessel, whether it be of the one party or of the other in which such article was imported.

ARTICLE VI.

Consuls, &c.

The contracting parties grant to each other the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, agents, and commissaries of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations; but if any of the said Consuls shall carry on trade, they shall be subjected to the same laws and usages to which private individuals of their nation are subjected in the same place.

The Consuls, Vice-Consuls, and commercial agents shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country; or the said Consuls, Vice-Consuls, or commercial agents should require their assistance to cause their decisions to be carried into effect or supported.

It is, however, understood, that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

The said Consuls, Vice-Consuls, and commercial agents are authorized to require the assistance of the local authorities for the search, arrest, and imprisonment of the deserters from the ships of war and merchant vessels of their country.

For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and on this claim being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or commercial agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months from the day of their arrest, they shall be set at liberty and shall not be again arrested for the same cause. However, if the deserter shall be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be pending shall have pronounced his sentence, and such sentence shall have been carried into effect.

Deserters.

ARTICLE VII.

The citizens or subjects of each party shall have power to dispose of their personal property within the jurisdiction of the other, by sale, donation, testament, or otherwise.

Power to dispose of personal property.

Their personal representatives, being citizens or subjects of the other contracting party, shall succeed to their said personal property, whether by testament or ab intestato.

They may take possession thereof, either by themselves or by others acting for them, at their will, and dispose of the same, paying such duties only as the inhabitants of the country wherein the said personal property is situate shall be subject to pay in like cases.

In case of the absence of the personal representatives, the same care shall be taken of the said property as would be taken of the property of a native in like case, until the lawful owner may take measures for receiving it.

If any question should arise among several claimants to which of them the said property belongs, the same shall be finally decided by the laws and judges of the country wherein it is situate.

Where, on the decease of any person, holding real estate within the territories of one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all duties of détraction on the part of the Government of the respective States.

The capitals and effects which the citizens or subjects of the respective parties, in changing their residence, shall be desirous of removing from the place of their domicile, shall likewise be exempt from all duties of détraction or emigration on the part of the respective Governments.

ARTICLE VIII.

The ancient and barbarous right to wrecks of the sea shall be entirely abolished with respect to the property belonging to the citizens or subjects of the contracting parties.

Wrecks.

When any vessel of either party shall be wrecked, stranded, or otherwise damaged on the coasts, or within the dominions of the other, their respective citizens or subjects shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the accident happens.

They shall be liable to pay the same charges and dues of salvage as the said inhabitants would be liable to pay in a like case.

If the operations of repair shall require that the whole or any part of

the cargo be unloaded, they shall pay no duties of custom, charges, or fees on the part which they shall reload and carry away, except as are payable in the like cases by national vessels.

It is nevertheless understood that if, whilst the vessel is under repair, the cargo shall be unladen, and kept in a place of deposite, destined to receive goods, the duties on which have not been paid, the cargo shall be liable to the charges and fees lawfully due to the keepers of such warehouses.

ARTICLE IX.

Duration of the treaty.

The present treaty shall be in force for the term of twelve years from the date hereof; and further until the end of twelve months after the Government of the United States on the one part, or that of Hanover on the other, shall have given notice of its intention of terminating the same.

ARTICLE X.

Ratifications.

The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of their Senate; and by His Majesty the King of Hanover; and the ratifications thereof shall be exchanged at the city of Berlin, within the space of ten months from this date, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the above articles as well in French as in English, and have affixed thereto the seals of their arms, declaring at the same time that the signature in the two languages shall not hereafter be cited as a precedent, nor in any manner prejudice the contracting parties.

Done in quadruplicate at the city of Berlin the twentieth day of May, in the year of our Lord one thousand eight hundred and forty, and the sixty-fourth of the Independence of the United States of America.

HENRY WHEATON. [L. S.]
AUGUSTUS DE BERGER. [L. S.]

HANOVER, 1846.

TREATY OF COMMERCE AND NAVIGATION WITH HANOVER. CONCLUDED JUNE 10, 1846; RATIFICATIONS EXCHANGED MARCH 5, 1847; PROCLAIMED APRIL 24, 1847.

The United States of America and His Majesty the King of Hanover, equally animated with a desire of placing the privileges of their navigation on a basis of the most extended liberality, and of affording otherwise every encouragement and facility for increasing the commercial intercourse between their respective States, have resolved to settle in a definitive manner the rules which shall be observed between the one and the other, by means of a treaty of navigation and commerce; for which purpose the President of the United States has conferred full powers on A. Dudley Mann, their Special Agent to His Majesty the King of Hanover; and His Majesty the King of Hanover has furnished with the like full powers the Baron George Frederick de Falcke, of his Privy Council, Knight Grand Cross of the Royal Guelphick Order;

Who, after exchanging their full powers, found in good and due form, have concluded and signed, subject to ratification, the following articles.

ARTICLE I.

The high contracting parties agree that whatever kind of produce, manufacture, or merchandise of any foreign country, can be, from time to time, lawfully imported into the United States in their own vessels, may also be imported in vessels of the Kingdom of Hanover; and no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in a vessel of the United States or in a Hanoverian vessel. And in like manner, whatever kind of produce, manufacture, or merchandise of any foreign country, can be, from time to time, lawfully imported into the Kingdom of Hanover in its own vessels, may also be imported in vessels of the United States; and no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in vessels of the one party or the other.

Vessels of both parties placed on the same footing.

Whatever may be lawfully exported or re-exported by one party in its own vessels to any foreign country may, in like manner, be exported or re-exported in the vessels of the other. And the same duties, bounties, and drawbacks shall be collected and allowed, whether such exportation or re-exportation be made in vessels of the one party or the other. Nor shall higher or other charges of any kind be imposed in the ports of the one party on vessels of the other than are or shall be payable in the same ports by national vessels.

Reciprocity.

And further, it is agreed that no higher or other toll shall be levied or collected at Brunshausen or Stade, on the River Elbe, upon the tonnage or cargoes of vessels of the United States, than is levied and collected upon the tonnage and cargoes of vessels of the Kingdom of Hanover; and the vessels of the United States shall be subjected to no charges, detention, or other inconvenience by the Hanoverian authorities, in passing the above-mentioned place, from which vessels of the Kingdom of Hanover are or shall be exempt.

Toll.

ARTICLE II.

The preceding article is not applicable to the coasting trade and navigation of the high contracting parties, which are respectively reserved by each exclusively to its own subjects or citizens.

Coasting trade.

ARTICLE III.

No priority or preference shall be given by either of the contracting parties, nor by any company, corporation, or agent acting on their behalf, or under their authority, in the purchase of any article of commerce, lawfully imported, on account of or in reference to the national character of the vessel, whether it be of the one party or of the other, in which such article was imported.

Preference in purchase.

ARTICLE IV.

The ancient and barbarous right to wrecks of the sea shall remain entirely abolished with respect to the property belonging to the citizens or subjects of the high contracting parties.

Wrecks.

When any vessel of either party shall be wrecked, stranded, or otherwise damaged on the coasts or within the dominions of the other, their respective citizens or subjects shall receive, as

Cases of shipwreck.

well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the accident happens.

They shall be liable to pay the same charges and dues of salvage as the said inhabitants would be liable to pay in a like case.

Repairs of vessels.

If the operations of repairs shall require that the whole or any part of the cargo be unloaded, they shall pay no duties of custom, charges, or fees on the part which they shall reload and carry away, except such as are payable in the like case by national vessels.

It is nevertheless understood that if, whilst the vessel is under repair, the cargo shall be unladen and kept in a place of deposite destined to receive goods, the duties on which have not been paid, the cargo shall be liable to the charges and fees lawfully due to the keepers of such warehouses.

ARTICLE V.

To what vessels the privileges of this treaty shall extend.

The privileges secured by the present treaty to the respective vessels of the high contracting parties shall only extend to such as are built within their respective territories, or lawfully condemned as prize of war, or adjudged to be forfeited for a breach of the municipal laws of either of the high contracting parties, and belonging wholly to their citizens or subjects.

It is further stipulated that vessels of the Kingdom of Hanover may select their crews from any of the States of the Germanic Confederation, provided that the master of each be a subject of the Kingdom of Hanover.

ARTICLE VI.

Duties to be imposed on the importation of articles into either country the growth, produce, or manufacture of the other.

No higher or other duties shall be imposed on the importation into the United States of any articles the growth, produce, or manufacture of the Kingdom of Hanover, or of its fisheries, and no higher or other duties shall be imposed on the importation into the Kingdom of Hanover of any articles the growth, produce, and manufacture of the United States, and of their fisheries, than are or shall be payable on the like articles being the growth, produce, or manufacture of any other foreign country, or of its fisheries.

Duties to be imposed on the exportation of articles from either country to the other.

No higher or other duties and charges shall be imposed in the United States on the exportation of any articles to the Kingdom of Hanover, or in Hanover on the exportation of any articles to the United States, than such as are or shall be payable on the exportation of the like articles to any other foreign country.

No prohibition shall be imposed on the importation or exportation of any articles the growth, produce, or manufacture of the Kingdom of Hanover, or of its fisheries, or of the United States or their fisheries, from or to the ports of said kingdom, or of the said United States, which shall not equally extend to all other Powers and States.

ARTICLE VII.

Favors to become common.

The high contracting parties engage, mutually, not to grant any particular favor to other nations in respect of navigation and duties of customs, which shall not immediately become common to the other party; who shall enjoy the same freely, if the con-

cession was freely made, or on allowing a compensation, as near as possible, if the concession was conditional.

ARTICLE VIII.

In order to augment, by all the means at its bestowal, the commercial relations between the United States and Germany, the Kingdom of Hanover hereby agrees to abolish the import duty on raw cotton, and also to abolish the existing transit duties upon leaves, stems, and strips of tobacco, in hogsheads or casks, raw cotton in bales or bags, whale oil in casks or barrels, and rice in tierces or half tierces.

Impost and transit duties on raw cotton, &c.

And, further, the Kingdom of Hanover obligates itself to levy no Weser tolls on the aforementioned articles, which are destined for, or landed in, ports or other places within its territory on the Weser; and it moreover agrees that if the States bordering upon said river shall consent at any time, however soon, to abolish the duties which they levy and collect upon said articles destined for ports or other places within the Hanoverian territory, the Kingdom of Hanover will readily abolish the Weser tolls upon the same articles destined for ports and places in such States.

Weser tolls.

It being understood, however, that the aforesaid stipulations shall not be deemed to prohibit the levying, upon the said articles, a tax sufficient for defraying the expense of maintaining the regulation respecting transit goods. But in no case shall such tax exceed eight pfennigs Hanoverian currency (two cents United States currency) for one hundred pounds Hanoverian weight, (one hundred and four pounds United States weight.)

ARTICLE IX.

The high contracting parties grant to each other the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, commercial agents, and vice-commercial agents of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations; but if any of the said Consuls shall carry on trade, they shall be subjected to the same laws and usages to which private individuals of their nation are subjected in the same place.

Liberty of consuls, &c.

The Consuls, Vice-Consuls, commercial and vice-commercial agents shall have the right as such to sit as judges and arbitrators, in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country, or the said Consuls, Vice-Consuls, commercial agents, or vice-commercial agents should require their assistance to cause their decisions to be carried into effect or supported.

It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort on their return to the judicial authority of their own country.

The said Consuls, Vice-Consuls, commercial agents, and vice-commercial agents are authorized to require the assistance of the local authorities for the search, arrest, and imprisonment of the deserters from the ships of war and merchant vessels of their country.

For this purpose they shall apply to the competent tribunals, judges, and officers, and shall in writing demand said deserters, proving by the

exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and on this claim being thus substantiated, the surrender shall not be refused.

Deserters.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, commercial agents or vice-commercial agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserter shall be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be pending shall have pronounced its sentence and such sentence shall have been carried into effect.

ARTICLE X.

Rights of citizens or subjects of either party residing in the territory of the other.

The citizens and subjects of the high contracting parties shall be permitted to sojourn and reside in all parts whatsoever of the said territories, in order to attend to their affairs, and also to hire and occupy houses and warehouses for the purposes of their commerce, provided they submit to the laws, as well general as special, relative to the right of residing and trading.

Whilst they conform to the laws and regulations in force, they shall be at liberty to manage themselves their own business in all the territories subject to the jurisdiction of each party, as well in respect to the consignment and sale of their goods, by wholesale or retail, as with respect to the loading, unloading, and sending off their ships, or to employ such agents and brokers as they may deem proper, they being in all these cases to be treated as the citizens or subjects of the country in which they reside; it being, nevertheless, understood that they shall remain subject to the said laws and regulations; also in respect to sales by wholesale or retail.

They shall have free access to the tribunals of justice in their litigious affairs on the same terms which are granted by the law and usage of country to native citizens or subjects, for which purpose they may employ in defence of their rights such advocates, attorneys, and other agents as they may judge proper.

The citizens or subjects of each party shall have power to dispose of their personal property within the jurisdiction of the other by sale, donation, testament, or otherwise.

Their personal representatives being citizens or subjects of the other contracting party, shall succeed to their said personal property, whether by testament or ab intestato.

They may take possession thereof either by themselves or by others acting for them, at their will, and dispose of the same, paying such duty only as the inhabitants of the country wherein the said personal property is situate shall be subject to pay in like cases.

In case of the absence of the personal representatives, the same care shall be taken of the said property as would be taken of the property of a native in like case, until the lawful owner may take measures for receiving it.

If any question should arise among several claimants to which of them the said property belongs, the same shall be finally decided by the laws and judges of the country wherein it is situate.

Where, on the decease of any person holding real estate within the territories of one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all duties of detraction on the part of the Government of the respective States.

The capitals and effects which the citizens or subjects of the respective parties, in changing their residence, shall be desirous of removing from the place of their domicil, shall likewise be exempt from all duties of detraction or emigration on the part of their respective Governments.

ARTICLE XI.

Duration of treaty.

The present treaty shall continue in force for the term of twelve years from the date hereof, and further until the end of twelve months after the Government of Hanover on the one part, or that of the United States on the other part, shall have given notice of its intention of terminating the same; but upon the condition hereby expressly stipulated and agreed, that if the Kingdom of Hanover shall determine, during the said term of twelve years, to augment the existing import duty upon leaves, strips, or stems of tobacco imported in hogsheads or casks, a duty which at this time does not exceed one thaler and one gutengroschen per one hundred pounds Hanoverian currency and weight, (seventy cents pr. one hundred pounds United States currency and weight,) the Government of Hanover shall give a notice of one year to the Government of the United States before proceeding to do so; and at the expiration of that year, or any time subsequently, the Government of the United States shall have full power and right to abrogate the present treaty by giving a previous notice of six months to the Government of Hanover, or to continue it (at its option) in full force until the operation thereof shall have been arrested in the manner first specified in the present article.

ARTICLE XII.

Privileges of this treaty may be extended to other states of the Germanic Confederation.

The United States agree to extend all the advantages and privileges contained in the stipulations of the present treaty to one or more of the other States of the Germanic Confederation, which may wish to accede to them, by means of an official exchange of declarations; provided that such State or States shall confer similar favors upon the said United States to those conferred by the Kingdom of Hanover, and observe and be subject to the same conditions, stipulations, and obligations.

ARTICLE XIII.

Ratifications.

The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of their Senate, and by His Majesty the King of Hanover; and the ratifications thereof shall be exchanged at the city of Hanover, within the space of ten months from this date, or sooner if possible, when the treaty of commerce and navigation concluded between the high contracting parties at Berlin, on the 20th day of May, 1840, shall become null and void to all intents and purposes.

In faith whereof we, the Plenipotentaries of the high contracting

parties, have signed the present treaty, and have thereto affixed our seals.

Done in quadruplicate at the city of Hanover, on the tenth day of June, in the year of our Lord one thousand eight hundred and forty-six, and in the seventieth year of the Independence of the United States of America.

A. DUDLEY MANN. [L. S.]
GEORGE FREDERICK BARON DE FALCKE. [L. S.]

[For accessions to this treaty, under the twelfth article thereof, see names of the particular States.]

HANOVER, 1855.

CONVENTION WITH HANOVER, FOR THE MUTUAL EXTRADITION OF FUGITIVES FROM JUSTICE IN CERTAIN CASES. CONCLUDED JANUARY 18, 1855; RATIFICATION EXCHANGED APRIL 17, 1855; PROCLAIMED MAY 5, 1855.

The United States of America and His Majesty the King of Hanover, actuated by an equal desire to further the administration of justice, and to prevent the commission of crime in their respective countries, taking into consideration that the increased means of communication between Europe and America facilitate the escape of offenders, and that consequently provision ought to be made in order that the ends of justice shall not be defeated, have determined to conclude an arrangement destined to regulate the course to be observed in all cases with reference to the extradition of such individuals as, having committed any of the offences hereafter enumerated in one country, shall have taken refuge within the territories of the other. The constitution and laws of Hanover, however, not allowing the Hanoverian Government to surrender their own subjects for trial before a foreign court of justice, a strict reciprocity requires that the Government of the United States shall be held equally free from any obligation to surrender citizens of the United States. For which purposes the high contracting Powers have appointed as their Plenipotentiaries:

Extradition of criminals.

The President of the United States, James Buchanan, Envoy Extraordinary and Minister Plenipotentiary of the United States at the Court of the United Kingdom of Great Britain and Ireland; His Majesty the King of Hanover, the Count Adolphus von Kielmansegge, his Envoy Extraordinary and Minister Plenipotentiary to Her Britannic Majesty, Grand Cross of the Order of the Guelphs, &c., &c.;

Negotiators.

Who, after reciprocal communication of their respective full powers, found in good and due form, have agreed to the following articles:

ARTICLE I.

The Government of the United States and the Hanoverian Government promise and engage, upon mutual requisitions by them, or their Ministers, officers, or authorities, respectively made, to deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged papers, or the fabrication or circulation of counterfeit money, whether coin or paper money, or the embezzlement of public moneys, committed within

For what crimes extradition may be demanded.

the jurisdiction of either party, shall seek an asylum, or shall be found within the territories of the other; provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offence had there been committed; and the respective judges and other magistrates of the two Goverments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates, respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive.

The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

ARTICLE II.

The stipulations of this convention shall be applied to any other State of the Germanic Confederation which may hereafter declare its accession thereto.

Other Germanic States.

ARTICLE III.

None of the contracting parties shall be bound to deliver up its own subjects or citizens under the stipulations of this convention.

ARTICLE IV.

Whenever any person accused of any of the crimes enumerated in this convention shall have committed a new crime in the territories of the State where he has sought an asylum, or shall be found, such person shall not be delivered up, under the stipulations of this convention, until he shall have been tried and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

When the criminal has committed a new crime

ARTICLE V.

The present convention shall continue in force until the first of January, one thousand eight hundred and fifty-eight; and if neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention, each of the high contracting parties reserving to itself the right of giving such notice to the other at any time after the expiration of the said first day of January, one thousand eight hundred and fifty-eight.

Duration of this convention.

ARTICLE VI.

The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by the Government of Hanover, and the ratifications

Ratifications.

shall be exchanged in London within three months from the date hereof, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed this convention, and have hereunto affixed their seals.

Done in duplicate in London, the eighteenth day of January, one thousand eight hundred and fifty-five, and the seventy-ninth year of the Independence of the United States.

JAMES BUCHANAN. [L. S.]
A. KIELMANSEGGE. [L. S.]

HANOVER, 1861.

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE KING OF HANOVER, CONCERNING THE ABOLITION OF THE STADE OR BRUNSHAUSEN DUES. CONCLUDED NOVEMBER 6, 1861; RATIFICATIONS EXCHANGED AT BERLIN APRIL 29, 1862; PROCLAIMED JUNE 17, 1862.

Special treaty concerning the abolition of the Stade or Brunshausen dues.

Contracting parties.

The United States of America and His Majesty the King of Hanover, equally animated by the desire to increase and facilitate the relations of commerce and navigation between the two countries, have resolved to conclude a special treaty, to the end to free the navigation of the Elbe from the tolls known under the designation of the Stade or Brunshausen dues, and have for that purpose conferred full powers:

Plenipotentiaries.

The President of the United States of America upon Mr. Norman B. Judd, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Prussia, and His Majesty the King of Hanover upon his Envoy Extraordinary and Minister Plenipotentiary at the Royal Prussian Court, the Lieutenant Colonel and Extraordinary Aid-de-Camp, Mr. August Wilhelm von Reitzenstein, Knight Commander of the 2d class of the Royal Guelphick Order, etc.;

Who, after having exchanged their full powers, and having found them to be in due and proper form, have concluded the following articles:

ARTICLE I.

His Majesty the King of Hanover assumes towards the United States of America, who accept the same, the obligation—

Stade or Brunshausen dues.

1. To abolish completely and forever the toll hitherto levied on the cargoes of American vessels ascending the Elbe, and passing the mouth of the river called Schwinge, designated under the name of the Stade or Brunshausen dues;

2. To levy no toll of any kind, of whatever nature it may be, upon the hulls or cargoes of American vessels ascending or descending the Elbe, in place of those dues, the abolition of which is agreed upon in the preceding paragraph;

3. Nor to subject hereafter, under any pretext whatever, American vessels ascending or descending the Elbe to any measure of control regarding the dues that are hereby abolished.

ARTICLE II.

His Majesty the King of Hanover obligates himself moreover to the United States of America—

1. To provide as hitherto, and to the extent of the existing obligations, for the maintenance of the works that are necessary for the free navigation of the Elbe; Works necessary to free navigation of the Elbe.

2. Not to impose, as a compensation for the expenses resulting from the execution of this obligation, upon the American marine, any charge whatever, in lieu and place of the Stade or Brunshausen dues.

ARTICLE III.

By way of damage and compensation for the sacrifices imposed upon His Majesty the King of Hanover by the above stipulations, the United States of America agree to pay to His Majesty the King of Hanover, who accepts the same, the sum of sixty thousand three hundred and fifty-three thalers, Hanoverian currency, this being the proportional quota part of the United States in the general table of indemnification for the abolition of the Stade or Brunshausen dues. Indemnity.

ARTICLE IV.

The sum of sixty thousand three hundred and fifty-three thalers courant, stipulated in Article III, shall be paid at Berlin, into the hands of such person as shall have been authorized by His Majesty the King of Hanover to receive it, on the day of the exchange of ratifications as hereinafter provided.

In consideration of the fact that the stipulations contained in Articles I and II have already been applied to the American flag since the first day of July, 1861, the United States of America agree to pay besides, and the same time with the capital above named, the interest of that sum, at the rate of four per centum per annum, commencing with the first day of October, 1861.

ARTICLE V.

The execution of the obligations contained in the present treaty is especially subordinated to the accomplishment of such formalities and rules as are established by the constitutions of the high contracting Powers, and the compliance with these formalities and rules be brought about within the shortest delay possible.

ARTICLE VI.

The treaty of commerce and navigation concluded between the United States of America and His Majesty the King of Hanover on the tenth day of June, 1846, shall continue to remain in force, with the exception of the stipulation contained in paragraph 3, Article I, which shall cease to have effect after the present treaty shall have been ratified. Former treaty.

ARTICLE VII.

This treaty shall be approved and ratified, and the ratifications shall

Ratifications. be exchanged at the city of Berlin, within six months from the present date, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the above articles, both in the English and German languages, and they have thereto affixed their seals.

Done in duplicate at Berlin the sixth day of November, in the year of our Lord one thousand eight hundred and sixty-one, and the Independence of the United States of America the eighty-sixth.

Date.

N. B. JUDD. [L. S.]
WILHELM AUGUST VON REITZENSTEIN. [L. S.]

PROTOCOLE.

It remains understood that, until the execution of the stipulations contained in Articles V and VII of the treaty of to-day shall have taken place, the Hanoverian Government shall preserve the right, provisionally, by way of precaution, to maintain the dues which it has agreed to abolish. But as soon as the United States of America shall have fulfilled the stipulations therein mentioned, the Hanoverian Government shall order the discharge of that temporary measure of precaution, as regards merchandise transported in American vessels. Until, however, all the Powers, parties to the general treaty of the 22d day of June, 1861, concerning the abolition of the Stade or Brunshausen dues, shall have fulfilled the engagements contained in the Articles VI and VII of the last-named treaty, it shall have power to require of American vessels a proof of their nationality, without thereby causing them a delay or detention.

Dues.

Proof of nationality.

Done at Berlin the 6th November, 1861.

N. B. JUDD. [L. S.]
WILHELM AUGUST VON REITZENSTEIN. [L. S.]

HANSEATIC REPUBLICS.

[The Hanseatic Republics were incorporated into the North German Union, under the constitution of the latter, July 1, 1867.]

HANSEATIC REPUBLICS, 1827.

CONVENTION OF FRIENDSHIP, COMMERCE, AND NAVIGATION, BETWEEN THE UNITED STATES OF AMERICA AND THE FREE HANSEATIC REPUBLICS OF LUBECK, BREMEN, AND HAMBURG. CONCLUDED DECEMBER 20, 1827; RATIFICATIONS EXCHANGED JUNE 2, 1828; PROCLAIMED JUNE 2, 1828.

The United States of America on the one part, and the Republic and Free Hanseatic City of Lubeck, the Republic and Free Hanseatic City of Bremen, and the Republic and Free Hanseatic City of Hamburg, (each State for itself separately,) on the other part, being desirous to give greater facility to their commercial intercourse, and to place the privileges of their navigation on a basis of the most extended liberality, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall be observed between the one and the other, by means of a convention of friendship, commerce, and navigation. Object of said treaty.

For the attainment of this most desirable object, the President of the United States of America has conferred full powers on Henry Clay, their Secretary of State; and the Senate of the Republic and Free Hanseatic City of Lubeck, the Senate of the Republic and Free Hanseatic City of Bremen, and the Senate of the Republic and Free Hanseatic City of Hamburg, have conferred full powers on Vincent Rumpff, their Minister Plenipotentiary near the United States of America; Negotiators.

Who, after having exchanged their said full powers, found in due and proper form, have agreed to the following articles:

ARTICLE I.

The contracting parties agree, that whatever kind of produce, manufacture, or merchandise of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may be also imported in vessels of the said Free Hanseatic Republics of Lubeck, Bremen, and Hamburg; and that no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in vessels of the United States, or of either of the said Hanseatic Republics. And, in like manner, that whatever kind of produce, manufacture, or merchandise of any foreign country can be, from time to time, lawfully imported into either of the said Hanseatic Republics, in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in vessels of the one party or of the other. And they further agree, that whatever may be lawfully Imports.

exported, or re-exported, by one party in its own vessels, to any foreign country, may, in like manner, be exported or re-exported in the vessels of the other party. And the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the one party or of the other. Nor shall higher or other charges, of any kind, be imposed in the ports of the one party, on vessels of the other, than are or shall be payable in the same ports by national vessels.

ARTICLE II.

Duties to be paid by the contracting parties.

No higher or other duties shall be imposed on the importation, into the United States, of any article the produce or manufacture of the Free Hanseatic Republics of Lubeck, Bremen, and Hamburg; and no higher or other duties shall be imposed on the importation, into either of the said Republics, of any article the produce or manufacture of the United States, than are or shall be payable on the like article being the produce or manufacture of any other foreign country; nor shall any other or higher duties or charges be imposed by either party on the exportation of any articles to the United States, or to the Free Hanseatic Republics of Lubeck, Bremen, or Hamburg, respectively, than such as are, or shall be payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the importation or exportation of any article the produce or manufacture of the United States, or of the Free Hanseatic Republics of Lubeck, Bremen, or Hamburg, to or from the ports of the United States, or to or from the ports of the other party, which shall not equally extend to all other nations.

ARTICLE III.

No priority or preference to be given.

No priority or preference shall be given, directly or indirectly, by any or either of the contracting parties, nor by any company, corporation, or agent, acting on their behalf, or under their authority, in the purchase of any article the growth, produce, or manufacture of their States, respectively, imported into the other, on account of, or in reference to the character of the vessel, whether it be of the one party or of the other, in which such article was imported; it being the true intent and meaning of the contracting parties that no distinction or difference whatever shall be made in this respect.

ARTICLE IV.

In consideration of the limited extent of the territories of the Republics of Lubeck, Bremen, and Hamburg, and of the intimate connection of trade and navigation subsisting between these Republics, it is hereby stipulated and agreed, that any vessel which shall be owned exclusively by a citizen or citizens of any or either of them, and of which the master shall also be a citizen of any or either of them, and provided three-fourths of the crew shall be citizens or subjects of any or either of the said Republics, or of any or either of the States of the Confederation of Germany, such vessel, so owned and navigated, shall, for all the purposes of this convention, be taken to be and considered as a vessel belonging to Lubeck, Bremen, or Hamburg.

ARTICLE V.

Any vessel, together with her cargo, belonging to either of the Free Hanseatic Republics of Lubeck, Bremen, or Hamburg, and coming from either of the said ports to the United States, shall, for all the purposes of this convention, be deemed to have cleared from the Republic to which such vessel belongs, although, in fact, it may not have been the one from which she departed; and any vessel of the United States, and her cargo, trading to the ports of Lubeck, Bremen, or Hamburg, directly, or in succession, shall, for the like purposes, be on the footing of a Hanseatic vessel and her cargo making the same voyage.

ARTICLE VI.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both parties, to manage, themselves, their own business, in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise by wholesale or retail, as with respect to the loading, unloading, and sending off their ships, submitting themselves to the laws, decrees, and usages there established, to which native citizens are subjected; they being, in all these cases, to be treated as citizens of the Republic in which they reside, or at least to be placed on a footing with the citizens or subjects of the most favored nation.

ARTICLE VII.

Power to dispose of personal goods.

The citizens of each of the contracting parties shall have power to dispose of their personal goods, within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein said goods are shall be subject to pay in like cases; and if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation, and exempt from all duties of detraction on the part of the Government of the respective States.

ARTICLE VIII.

Special protection to persons and property.

Both the contracting parties promise, and engage formally, to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors as they may judge proper, in all their trials at law; and such citizens or agents

shall have as free opportunity as native citizens to be present at the decisions and sentences of the tribunals, in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

ARTICLE IX.

Favors to become common.

The contracting parties, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

ARTICLE X.

Duration of convention.

The present convention shall be in force for the term of twelve years from the date hereof, and further, until the end of twelve months after the Government of the United States on the one part, or the free Hanseatic Republics of Lubeck, Bremen, or Hamburg, or either of them, on the other part, shall have given notice of their intention to terminate the same; each of the said contracting parties reserving to itself the right of giving such notice to the other, at the end of the said term of twelve years. And it is hereby agreed between them that, at the expiration of twelve months after such notice shall have been received by either of the parties from the other, this convention, and all the provisions thereof, shall, altogether, cease and determine, as far as regards the States giving and receiving such notice; it being always understood and agreed that, if one or more of the Hanseatic Republics aforesaid shall, at the expiration of twelve years from the date hereof, give or receive notice of the proposed termination of this convention, it shall nevertheless remain in full force and operation as far as regards the remaining Hanseatic Republics or Republic, which may not have given or received such notice.

ARTICLE XI.

Ratifications.

The present convention being approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the Senates of the Hanseatic Republics of Lubeck, Bremen, and Hamburg, the ratifications shall be exchanged at Washington within nine months from the date hereof, or sooner if possible.

In faith whereof we, the Plenipotentiaries of the contracting parties, have signed the present convention, and have thereto affixed our seals.

Done in quadruplicates at the city of Washington, on the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, in the fifty-second year of the Independence of the United States of America.

H. CLAY. [L. S.]
V. RUMPFF. [L. S.]

HANSEATIC REPUBLICS, 1828.

ADDITIONAL ARTICLE TO THE CONVENTION OF FRIENDSHIP, COMMERCE, AND NAVIGATION, OF THE 20TH OF DECEMBER, 1827, BETWEEN THE UNITED STATES OF AMERICA AND THE HANSEATIC REPUBLICS OF LUBECK, BREMEN, AND HAMBURG. CONCLUDED JUNE 4, 1828; RATIFICATIONS EXCHANGED JANUARY 14, 1829; PROCLAIMED JANUARY 14, 1829.

Object of additional article.

The United States of America and the Hanseatic Republics of Lubeck, Bremen, and Hamburg, wishing to favor their mutual commerce by affording, in their ports, every necessary assistance to their respective vessels, the undersigned Plenipotentiaries have further agreed upon the following additional article to the convention of friendship, commerce, and navigation, concluded at Washington on the twentieth day of December, 1827, between the contracting parties.

Consuls &c.

The Consuls and Vice-Consuls may cause to be arrested the sailors, being part of the crews of the vessels of their respective countries, who shall have deserted from the said vessels, in order to send them back and transport them out of the country. For which purpose the said Consuls and Vice-Consuls shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters, in writing, proving by an exhibition of the registers of the said vessels, or ship's roll, or other official document, that those men were part of said crews; and on this demand being so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused; and there shall be given all aid and assistance to the said Consuls and Vice-Consuls for the search, seizure, and arrest of the said deserters, who shall even be detained and kept in the prisons of the country, at their request and expense, until they shall have found opportunity of sending them back. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

Assistance to be afforded to consuls, &c.

It is understood, however, that if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which the case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

The present additional article shall have the same force and value as if it were inserted, word for word, in the convention signed at Washington on the twentieth day of December, one thousand eight hundred and twenty-seven, and being approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the Senates of the Hanseatic Republics of Lubeck, Bremen, and Hamburg, the ratifications shall be exchanged at Washington within nine months from the date hereof, or sooner if possible.

Ratifications.

In faith whereof we, the undersigned, by virtue of our respective full powers, have signed the present additional article, and have thereto affixed our seals.

Done in quadruplicate at the city of Washington, on the fourth day of June, in the year of our Lord one thousand eight hundred and twenty-eight.

H. CLAY. [L. S.]
V. RUMPFF. [L. S.]

HANSEATIC REPUBLICS, 1852.

CONVENTION FOR THE MUTUAL EXTENSION OF THE JURISDICTION OF CONSULS, BETWEEN THE UNITED STATES OF AMERICA AND THE FREE AND HANSEATIC REPUBLICS OF HAMBURG, BREMEN, AND LUBECK. CONCLUDED AT WASHINGTON APRIL 30, 1852; RATIFICATIONS EXCHANGED FEBRUARY 25, 1853; PROCLAIMED JUNE 6, 1853.

The United States of America and the Free and Hanseatic Republicks of Hamburg, Bremen, and Lubeck, having agreed to extend, in certain cases, the jurisdiction of their respective Consuls, and to increase the powers granted to said Consuls by existing treaty stipulations, have named for this purpose, as their respective Plenipotentiaries, to wit:

Negotiators.

The President of the United States of America, Daniel Webster, Secretary of State of the United States, and the Senate of the Free and Hanseatic City of Hamburg, the Senate of the Free and Hanseatic City of Bremen, and the Senate of the Free and Hanseatic City of Lubeck, Albert Schumacher, Consul-General of Hamburg and Bremen in the United States;

Who, having exchanged their full powers, found in due and proper form, have agreed to and signed the following articles:

ARTICLE I.

The Consuls, Vice-Consuls, commercial and vice-commercial agents of each of the high contracting parties shall have the right as such, to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the master should disturb the order or tranquillity of the country; or the said Consuls, Vice-Consuls, commercial agents, or vice-commercial agents, should require their assistance in executing or supporting their own decisions. But this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

Consuls.

ARTICLE II.

The present convention shall be in force for the term of twelve years from the day of its ratifications; and further until the end of twelve months, after the Government of the United States on the one part, or the Free and Hanseatic Republicks of Hamburg, Bremen, or Lubeck, or either of them, on the other part, shall have given notice of their intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of the said term of twelve years. And it is hereby agreed that, at the expiration of twelve months after such notice shall have been received by either of the parties from the other, this convention, and all the provisions thereof, shall altogether cease and determine, as far as regards the States giving and receiving such notice; it being always understood and agreed that, if one or more of the Free and Hanseatic Republicks aforesaid shall, at the expiration of twelve years from the date of the ratification of the convention, give or receive

Limitation of this convention.

notice of the termination of the same, it shall, nevertheless, remain in full force and operation, as far as regards the remaining Free and Hanseatic Republicks or Republick, which may not have given or received such notice.

ARTICLE III.

This convention is concluded subject to the ratification of the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the Senates of the Free and Hanseatic Republicks of Hamburg, Bremen, and Lubeck; and the ratifications shall be exchanged at Washington within twelve months from the date hereof, or sooner if possible. Ratifications.

In witness whereof the respective Plenipotentiaries have signed the above articles, as well in German as in English, and have thereto affixed their seals.

Done in quadruplicate, at the city of Washington, on the thirtieth day of April, A. D. one thousand eight hundred and fifty-two, in the seventy-sixth year of the Independence of the United States of America. Date.

DAN'L WEBSTER. [L. S.]
A. SCHUMACHER. [L. S.]

HAWAIIAN ISLANDS.

HAWAIIAN ISLANDS, 1849.

TREATY WITH THE HAWAIIAN ISLANDS. CONCLUDED DECEMBER 20, 1849; RATIFICATIONS EXCHANGED AT HONOLULU, AUGUST 24, 1850; PROCLAIMED NOVEMBER 9, 1850.

The United States of America and His Majesty the King of the Hawaiian Islands, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective States, and consolidating the commercial intercourse between them, have agreed to enter into negotiations for the conclusion of a treaty of friendship, commerce, and navigation, for which purpose they have appointed Plenipotentiaries, that is to say:

The President of the United States of America, John M. Clayton, Secretary of State of the United States; and His Majesty the King of the Hawaiian Islands, James Jackson Jarves, accredited as his special Commissioner to the Government of the United States;

Who, after having exchanged their full powers, found in good and due form, have concluded and signed the following articles:

ARTICLE I.

Peace and amity.

There shall be perpetual peace and amity between the United States and the King of the Hawaiian Islands, his heirs and his successors.

ARTICLE II.

Reciprocal freedom of trade.

There shall be reciprocal liberty of commerce and navigation between the United States of America and the Hawaiian Islands. No duty of customs, or other impost, shall be charged upon any goods, the produce or manufacture of one country, upon importation from such country into the other, other or higher than the duty or impost charged upon goods of the same kind, the produce or manufacture of, or imported from, any other country; and the United States of America and His Majesty the King of the Hawaiian Islands do hereby engage that the subjects or citizens of any other State shall not enjoy any favor, privilege, or immunity, whatever, in matters of commerce and navigation, which shall not also, at the same time, be extended to the subjects or citizens of the other contracting party, gratuitously, if the concession in favor of that other State shall have been gratuitous, and in return for a compensation, as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

ARTICLE III.

Same subject.

All articles, the produce or manufacture of either country, which can legally be imported into either country from the other, in ships of that other country, and thence coming, shall, when

so imported, be subject to the same duties, and enjoy the same privileges, whether imported in ships of the one country or in ships of the other; and in like manner, all goods which can legally be exported or re-exported from either country to the other, in ships of that other country, shall, when so exported or re-exported, be subject to the same duties, and be entitled to the same privileges, drawbacks, bounties, and allowances, whether exported in ships of the one country or in ships of the other; and all goods and articles, of whatever description, not being of the produce or manufacture of the United States, which can be legally imported into the Sandwich Islands, shall, when so imported in vessels of the United States, pay no other or higher duties, imposts, or charges, than shall be payable upon the like goods and articles when imported in the vessels of the most favored foreign nation, other than the nation of which the said goods and articles are the produce or manufacture.

ARTICLE IV.

No duties of tonnage, harbor, light-houses, pilotage, quarantine, or other similar duties, of whatever nature or under whatever denomination, shall be imposed in either country upon the vessels of the other in respect of voyages between the United States of America and the Hawaiian Islands, if laden, or in respect of any voyage if in ballast, which shall not be equally imposed in the like cases on national vessels.

Tonnage duties, &c.

ARTICLE V.

It is hereby declared that the stipulations of the present treaty are not to be understood as applying to the navigation and carrying trade between one port and another situated in the States of either contracting party, such navigation and trade being reserved exclusively to national vessels.

Coasting trade.

ARTICLE VI.

Steam-vessels of the United States which may be employed by the Government of the said States in the carrying of their public mails across the Pacific Ocean, or from one port in that ocean to another, shall have free access to the ports of the Sandwich Islands, with the privilege of stopping therein to refit, to refresh, to land passengers and their baggage, and for the transaction of any business pertaining to the public mail service of the United States, and shall be subject in such ports to no duties of tonnage, harbor, light-houses, quarantine, or other similar duties, of whatever nature or under whatever denomination.

Steam-vessels carrying mails.

ARTICLE VII.

The whale-ships of the United States shall have access to the ports of Hilo, Kealakekua, and Hanalei, in the Sandwich Islands, for the purposes of refitment and refreshment, as well as to the ports of Honolulu and Lahaina, which only are ports of entry for all merchant vessels; and in all the above-named ports they shall be permitted to trade or barter their supplies or goods, excepting spirituous liquors, to the amount of two hundred dollars ad valorem for each vessel, without paying any charge for tonnage or harbor dues of any description, or any duties or imposts whatever upon the goods or articles so

Whale-ships.

traded or bartered. They shall also be permitted, with the like exemption from all charges for tonnage and harbor dues, further to trade or barter, with the same exception as to spirituous liquors, to the additional amount of one thousand dollars ad valorem for each vessel, paying upon the additional goods and articles so traded and bartered no other or higher duties than are payable on like goods and articles when imported in the vessels and by the citizens or subjects of the most favored foreign nation. They shall also be permitted to pass from port to port of the Sandwich Islands for the purpose of procuring refreshments, but they shall not discharge their seamen or land their passengers in the said islands, except at Lahaina and Honolulu; and in all the ports named in this article the whale-ships of the United States shall enjoy, in all respects whatsoever, all the rights, privileges, and immunities which are enjoyed by, or shall be granted to, the whale-ships of the most favored foreign nation. The like privilege of frequenting the three ports of the Sandwich Islands above named in this article not being ports of entry for merchant vessels, is also guaranteed to all the public armed vessels of the United States. But nothing in this article shall be construed as authorizing any vessel of the United States having on board any disease usually regarded as requiring quarantine to enter, during the continuance of such disease on board, any port of the Sandwich Islands other than Lahaina or Honolulu.

ARTICLE VIII.

Privileges of citizens of United States in Hawaiian Islands, and vice versa.

The contracting parties engage, in regard to the personal privileges that the citizens of the United States of America shall enjoy in the dominions of His Majesty the King of the Hawaiian Islands and the subjects of his said Majesty in the United States of America, that they shall have free and undoubted right to travel and to reside in the States of the two high contracting parties, subject to the same precautions of police which are practiced towards the subjects or citizens of the most favored nations. They shall be entitled to occupy dwellings and warehouses, and to dispose of their personal property of every kind and description, by sale, gift, exchange, will, or in any other way whatever, without the smallest hinderance or obstacle; and their heirs or representatives, being subjects or citizens of the other contracting party, shall succeed to their personal goods, whether by testament or ab intestato, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at will, paying to the profit of the respective Governments such dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And in case of the absence of the heir and representative, such care shall be taken of the said goods as would be taken of the goods of a native of the same country in like case until the lawful owner may take measures for receiving them. And if a question should arise among several claimants as to which of them said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. Where, on the decease of any person holding real estate within the territories of one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation and exempt from all duties of detraction on the part of the Government of the respective States. The citizens or subjects of the contracting parties shall not be obliged to pay, under

any pretence whatever, any taxes or impositions other or greater than those which are paid, or may hereafter be paid, by the subjects or citizens of the most favored nations in the respective States of the high contracting parties. They shall be exempt from all military service, whether by land or by sea; from forced loans; and from every extraordinary contribution not general and by law established. Their dwellings, warehouses, and all premises appertaining thereto, destined for the purposes of commerce or residence, shall be respected. No arbitrary search of or visit to their houses, and no arbitrary examination or inspection whatever of the books, papers, or accounts of their trade shall be made; but such measures shall be executed only in conformity with the legal sentence of a competent tribunal; and each of the two contracting parties engages that the citizens or subjects of the other residing in their respective States shall enjoy their property and personal security in as full and ample manner as their own citizens or subjects, or the subjects or citizens of the most favored nation, but subject always to the laws and statutes of the two countries, respectively.

ARTICLE IX.

Trade in either country with citizens of the country.

The citizens and subjects of each of the two contracting parties shall be free in the States of the other to manage their own affairs themselves, or to commit those affairs to the management of any persons whom they may appoint as their broker, factor, or agent; nor shall the citizens and subjects of the two contracting parties be restrained in their choice of persons to act in such capacities, nor shall they be called upon to pay any salary or remuneration to any person whom they shall not choose to employ.

Absolute freedom shall be given in all cases to the buyer and seller to bargain together, and to fix the price of any goods or merchandise imported into, or to be exported from, the States and domains of the two contracting parties, save and except generally such cases wherein the laws and usages of the country may require the intervention of any special agents in the States and dominions of the contracting parties. But nothing contained in this or any other article of the present treaty shall be construed to authorize the sale of spirituous liquors to the natives of the Sandwich Islands, farther than such sale may be allowed by the Hawaiian laws.

ARTICLE X.

Consuls, &c.

Each of the two contracting parties may have, in the ports of the other, Consuls, Vice-Consuls, and commercial agents, of their own appointment, who shall enjoy the same privileges and powers with those of the most favored nations; but if any such Consuls shall exercise commerce, they shall be subject to the same laws and usages to which the private individuals of their nation are subject in the same place. The said Consuls, Vice-Consuls, and commercial agents are authorized to require the assistance of the local authorities for the search, arrest, detention, and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand the said deserters, proving, by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and this reclamation being thus substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or com-

Deserters.

mercial agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessel to which they belonged, or sent back to their own country by a vessel of the same nation, or any other vessel whatsoever. The agents, owners, or masters of vessels on account of whom the deserters have been apprehended, upon requisition of the local authorities, shall be required to take or send away such deserters from the States and dominions of the contracting parties, or give such security for their good conduct as the law may require. But, if not sent back nor reclaimed within six months from the day of their arrest, or if all the expenses of such imprisonment are not defrayed by the party causing such arrest and imprisonment, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserters should be found to have committed any crime or offence, their surrender may be delayed until the tribunal before which their case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

ARTICLE XI.

Liberty of conscience.

It is agreed that perfect and entire liberty of conscience shall be enjoyed by the citizens and subjects of both the contracting parties, in the countries of the one and the other, without their being liable to be disturbed or molested on account of their religious belief. But nothing contained in this article shall be construed to interfere with the exclusive right of the Hawaiian Government to regulate for itself the schools which it may establish or support within its jurisdiction.

ARTICLE XII.

Wrecks.

If any ships of war or other vessels be wrecked on the coasts of the States or territories of either of the contracting parties, such ships or vessels, or any parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored, with the least possible delay, to the proprietors, upon being claimed by them, or by their duly authorized factors; and if there are no such proprietors or factors on the spot, then the said goods and merchandise, or the proceeds thereof, as well as all the papers found on board such wrecked ships or vessels, shall be delivered to the American or Hawaiian Consul or Vice-Consul in whose district the wreck may have taken place; and such Consul, Vice-Consul, proprietors, or factors, shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage and expenses of quarantine which would have been payable in the like case of a wreck of a national vessel; and the goods and merchandise saved from the wreck shall not be subject to duties unless entered for consumption, it being understood that in case of any legal claim upon such wreck, goods, or merchandise, the same shall be referred for decision to the competent tribunals of the country.

ARTICLE XIII.

Vessels driven into port by stress of weather.

The vessels of either of the two contracting parties which may be forced by stress of weather or other cause into one of the ports of the other, shall be exempt from all duties of port or navigation paid for the benefit of the State, if the motives

which led to their seeking refuge be real and evident, and if no cargo be discharged or taken on board, save such as may relate to the subsistence of the crew, or be necessary for the repair of the vessels, and if they do not stay in port beyond the time necessary, keeping in view the cause which led to their seeking refuge.

ARTICLE XIV.

Extradition of criminals.

The contracting parties mutually agree to surrender, upon official requisition, to the authorities of each, all persons who, being charged with the crimes of murder, piracy, arson, robbery, forgery, or the utterance of forged paper, committed within the jurisdiction of either, shall be found within the territories of the other; provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the person so charged shall be found, would justify his apprehension and commitment for trial, if the crime had there been committed. And the respective judges and other magistrates of the two Governments shall have authority, upon complaint made under oath, to issue a warrant for the apprehension of the person so charged, that he may be brought before such judges or other magistrates respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

ARTICLE XV.

Mail arrangements.

So soon as steam or other mail packets, under the flag of either of the contracting parties, shall have commenced running between their respective ports of entry, the contracting parties agree to receive at the post-offices of those ports all mailable matter, and to forward it as directed, the destination being to some regular post-office of either country; charging thereupon the regular postal rates as established by law in the territories of either party receiving said mailable matter, in addition to the original postage of the office whence the mail was sent. Mails for the United States shall be made up at regular intervals at the Hawaiian post-office, and despatched to ports of the United States; the postmasters at which ports shall open the same, and forward the enclosed matter as directed, crediting the Hawaiian Government with their postages as established by law, and stamped upon each manuscript or printed sheet.

All mailable matter destined for the Hawaiian Islands shall be received at the several post-offices in the United States, and forwarded to San Francisco, or other ports on the Pacific coast of the United States, whence the postmasters shall despatch it by the regular mail packets to Honolulu, the Hawaiian Government agreeing on their part to receive and collect for and credit the Post-Office Department of the United States with the United States' rates charged thereupon. It shall be optional to prepay the postage on letters in either country, but postage on printed sheets and newspapers shall in all cases be prepaid. The respective post-office departments of the contracting parties shall, in their accounts, which are to be adjusted annually, be credited with all dead letters returned.

ARTICLE XVI.

Continuance of this treaty.

The present treaty shall be in force from the date of the exchange of the ratifications, for the term of ten years, and further, until the end of twelve months after either of the contracting parties shall have given notice to the other of its intention to terminate the same, each of the said contracting parties reserving to itself the right of giving such notice at the end of the said term of ten years, or at any subsequent term.

Any citizen or subject of either party infringing the articles of this treaty shall be held responsible for the same, and the harmony and good correspondence between the two Governments shall not be interrupted thereby, each party engaging in no way to protect the offender, or sanction such violation.

ARTICLE XVII.

Ratifications.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said States, and by His Majesty the King of the Hawaiian Islands, by and with the advice of his Privy Council of State, and the ratifications shall be exchanged at Honolulu within eighteen months from the date of its signature, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same in triplicate, and have thereto affixed their seals.

Done at Washington, in the English language, the twentieth day of December, in the year one thousand eight hundred and forty-nine.

JOHN M. CLAYTON. [SEAL.]
JAMES JACKSON JARVES. [SEAL.]

HAYTI.

HAYTI, 1864.

TREATY OF AMITY, COMMERCE, AND NAVIGATION, AND FOR THE EXTRADITION OF FUGITIVE CRIMINALS, BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF HAYTI. CONCLUDED AND SIGNED AT PORT AU PRINCE NOVEMBER 3, 1864; RATIFICATIONS EXCHANGED AT WASHINGTON MAY 22, 1865; PROCLAIMED JULY 6, 1865.

Contracting parties.

The United States of America and the Republic of Hayti, desiring to make lasting and firm the friendship and good understanding which happily prevail between both nations, and to place their commercial relations upon the most liberal basis, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall, in future, be religiously observed between the one and the other, by means of a treaty of amity, commerce, and navigation, and for the extradition of fugitive criminals. For this purpose they have appointed as their Plenipotentiaries, to wit:

Plenipotentiaries.

The President of the United States, Benjamin F. Whidden, Commissioner and Consul General of the United States to the Republic of Hayti; and the President of Hayti, Boyer Bazelais, Chef d'Escadron, his Aide-de-Camp and Secretary;

Who, after a reciprocal communication of their respective full powers, found in due and proper form, have agreed to the following articles:

ARTICLE I.

Peace and amity.

There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic of Hayti, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places.

ARTICLE II.

Privileges of most favored nation.

The United States of America and the Republic of Hayti, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, agree that any favor, exemption, privilege, or immunity whatever, in matters of commerce or navigation, which either of them has granted, or may hereafter grant, to the citizens or subjects of any other Government, nation, or State, shall extend, in identity of cases and circumstances, to the citizens of the other contracting party; gratuitously, if the concession in favor of that other Government, nation, or State shall have been gratuitous; or in return for an equivalent compensation, if the concession shall have been conditional.

ARTICLE III.

Case of war.

If by any fatality (which cannot be expected, and which God forbid) the two nations should become involved in war, one with the other, the term of six months after the declaration thereof shall be allowed to the merchants and other citizens and inhabitants respectively, on each side, during which time they shall be at liberty to withdraw themselves, with their effects and movables, which they shall have the right to carry away, send away, or sell, as they please, without the least obstruction; nor shall their effects, much less their persons, be seized during such term of six months; which immunity is not in any way to be construed to prevent the execution of any existing civil or commercial engagements; on the contrary, passports shall be valid for a term necessary for their return, and shall be given to them for their vessels and their effects which they may wish to carry with them or send away, and such passports shall be a safe conduct against the insults and captures which privateers may attempt against their persons and effects.

ARTICLE IV.

Property not to be confiscated.

Neither the money, debts, shares in the public funds or in banks, or any other property, of either party, shall ever, in the event of war or national difference, be sequestered or confiscated.

ARTICLE V.

Exemption from military duty.

The citizens of each of the high contracting parties, residing or established in the territory of the other, shall be exempt from all compulsory military duty by sea or by land, and from all forced loans or military exactions or requisitions; nor shall they be compelled to pay any contributions whatever higher or other than those that are or may be paid by native citizens.

ARTICLE VI.

Rights of residence and business.

The citizens of each of the contracting parties shall be permitted to enter, sojourn, settle, and reside in all parts of the territories of the other, engage in business, hire and occupy warehouses, provided they submit to the laws, as well general as special, relative to the rights of travelling, residing, or trading. While they conform to the laws and regulations in force, they shall be at liberty to manage themselves their own business, subject to the jurisdiction of either party respectively, as well in respect to the consignment and sale of their goods as with respect to the loading, unloading, and sending off their vessels. They may also employ such agents or brokers as they may deem proper; it being distinctly understood that they are subject also to the same laws.

Privileges of courts.

The citizens of the contracting parties shall have free access to the tribunals of justice, in all cases to which they may be a party, on the same terms which are granted by the laws and usage of the country to native citizens, furnishing security in the cases required; for which purpose they may employ in the defence of their interests and rights such advocates, solicitors, attorneys, and other agents as they may think proper, agreeably to the laws and usage of the country.

ARTICLE VII.

There shall be no examination or inspection of the books, papers, or accounts of the citizens of either country residing within the jurisdiction of the other without the legal order of a competent tribunal or judge. Examination of books and papers.

ARTICLE VIII.

The citizens of each of the high contracting parties, residing within the territory of the other, shall enjoy full liberty of conscience. They shall not be disturbed or molested on account of their religious opinions or worship provided they respect the laws and established customs of the country. And the bodies of the citizens of the one who may die in the territory of the other shall be interred in the public cemeteries, or in other decent places of burial, which shall be protected from all violation or insult by the local authorities. Liberty of conscience.

ARTICLE IX.

The citizens of each of the high contracting parties, within the jurisdiction of the other, shall have power to dispose of their personal property by sale, donation, testament, or otherwise; and their personal representatives, being citizens of the other contracting party, shall succeed to their personal property, whether by testament or ab intestato. They may take possession thereof, either by themselves or by others acting for them, at their pleasure, and dispose of the same, paying such duty only as the citizens of the country wherein the said personal property is situated shall be subject to pay in like cases. In the absence of a personal representative, the same care shall be taken of the property as by law would be taken of the property of a native in a similar case, while the lawful owner may take measures for securing it. If a question as to the rightful ownership of the property should arise among claimants, the same shall be determined by the judicial tribunals of the country in which it is situated. Disposal of property.

ARTICLE X.

The high contracting parties hereby agree that whatever kind of produce, manufactures, or merchandise of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may also be imported in the vessels of the Republic of Hayti, and no higher or other duties upon the tonnage or cargo of the vessels shall be levied or collected than shall be levied or collected of the vessels of the most favored nation. Imports.

And reciprocally, whatever kind of produce, manufactures, or merchandise of any foreign country can be, from time to time, lawfully imported into Hayti in her own vessels, may be also imported in the vessels of the United States, and no higher or other duties upon the tonnage or cargo of the vessels shall be levied or collected than shall be levied or collected of the vessels of the most favored nation.

ARTICLE XI.

It is also hereby agreed that whatever may be lawfully exported or re-exported from the one country in its own vessels, to any foreign country, may in like manner be exported or re- Exports.

exported in vessels of the other; and the same duties, bounties, and drawbacks shall be collected and allowed as are collected of and allowed to the most favored nation.

It is also understood that the foregoing principles shall apply, whether the vessels shall have cleared directly from the ports of the nation to which they appertain, or from the ports of any other nation.

ARTICLE XII.

Coasting trade.

The provisions of this treaty are not to be understood as applying to the coasting trade of the contracting parties, which is respectively reserved by each exclusively, to be regulated by its own laws.

ARTICLE XIII.

Rates of duties.

No higher or other duties shall be imposed on the importation into the United States of any article the growth, produce, or manufacture of Hayti or her fisheries; and no higher or other duties shall be imposed on the importation into Hayti of any article the growth, produce, or manufacture of the United States or their fisheries, than are or shall be payable on the like articles the growth, produce, or manufacture of any other foreign country or its fisheries.

No other or higher duties or charges shall be imposed in the United States on the exportation of any article to Hayti, nor in Hayti on the exportation of any article to the United States, than such as are or shall be payable on the exportation of the like article to any foreign country.

No prohibition on importation.

No prohibition shall be imposed on the importation of any article the growth, produce, or manufacture of the United States or their fisheries, or of Hayti and her fisheries, from or to the ports of the United States or Hayti, which shall not equally extend to any other foreign country.

ARTICLE XIV.

Discriminating duties.

It is hereby agreed that if either of the high contracting parties should hereafter impose discriminating duties upon the products of any other nation, the other party shall be at liberty to determine the origin of its own products intended to enter the country by which the discriminating duties are imposed.

ARTICLE XV.

Rights of asylum and refuge.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, ports, or dominions of the other with their vessels, whether merchant or war, through stress of weather, pursuit of pirates or enemies, or want of provisions or water, they shall be received and treated with humanity, giving to them all favor and protection for repairing their vessels, and placing themselves in a condition to continue their voyage without obstacle or hindrance of any kind.

And the provisions of this article shall apply to privateers or private vessels of war, as well as public, until the two high contracting parties may relinquish that mode of warfare, in consideration of the general relinquishment of the right of capture of private property upon the high seas.

ARTICLE XVI.

When any vessel of either party shall be wrecked, stranded, or otherwise damaged on the coasts or within the jurisdiction of the other, their respective citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the accident happened; and they shall be liable to pay the same charges and dues of salvage as the said inhabitants would be liable to pay in like cases.

Rights of those shipwrecked.

If the repairs which a stranded vessel may require shall render it necessary that the whole or any part of her cargo should be unloaded, no duties of custom, charges, or fees on such cargo as may be carried away shall be paid, except such as are payable in like cases by national vessels.

Repairs of vessels.

ARTICLE XVII.

It shall be lawful for the citizens of either Republic to sail with their ships and merchandise (contraband goods excepted) with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are, or hereafter shall be, at enmity with either of the contracting parties.

Ships of either country not affected by ownership of merchandise on board.

It shall likewise be lawful for the citizens aforesaid to sail with their ships and merchandises before mentioned, and to trade with the same liberty and security, not only from ports and places of those who are enemies of both or either party, to ports of the other, and to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one or several Powers, unless such ports or places are blockaded, besieged, or invested.

ARTICLE XVIII.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is either besieged, blockaded, or invested, it is hereby agreed by the high contracting parties that every vessel so circumstanced may be turned away from such port or place, but she shall not be detained, nor any part of her cargo, if not contraband, be confiscated, unless, after notice of such blockade or investment, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper, provided the same be not blockaded, besieged, or invested. Nor shall any vessel of either of the parties that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo, nor, if found therein after the reduction and surrender of such place, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

Rules as to blockade, &c.

ARTICLE XIX.

The two high contracting parties recognize as permanent and immutable the following principles, to wit:

Recognition of certain principles.

1st. That free ships make free goods; that is to say, that the effects or goods belonging to subjects or citizens of a Power or State at war are

free from capture or confiscation when found on board neutral vessels, with the exception of articles contraband of war.

2nd. That the property of neutrals on board of an enemy's vessel is not subject to confiscation, unless the same be contraband of war.

The like neutrality shall be extended to persons who are on board a neutral ship, with this effect, that although they may be enemies of both or either party, they are not to be taken out of that ship unless they are officers or soldiers, and in the actual service of the enemy. The contracting parties engage to apply these principles to the commerce and navigation of all such Powers and States as shall consent to adopt them as permanent and immutable.

ARTICLE XX.

Contraband of war.

The liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband of war, and under this name shall be comprehended—

1. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, grenades, bombs, powder, matches, balls, and everything belonging to the use of arms.

2. Bucklers, helmets, breastplates, coats of mail, accoutrements, and clothes made up in military form and for military use.

3. Cavalry belts and horses, with their harness.

4. And, generally, all offensive or defensive arms, made of iron, steel, brass, copper, or of any other material prepared and formed to make war by land or at sea.

ARTICLE XXI.

Goods not included in list of contraband.

All other merchandises and things not comprehended in the articles of contraband explicitly enumerated and classified as above shall be held and considered as free, and subjects of free and lawful commerce, so that they be carried and transported in the freest manner by the citizens of both the contracting parties, even to places belonging to an enemy, excepting only those places which are at the time besieged or blockaded.

ARTICLE XXII.

Merchant ships in time of war.

In time of war the merchant ships belonging to the citizens of either of the contracting parties which shall be bound to a port of the enemy of one of the parties, and concerning whose voyage and the articles of their cargo there may be just grounds of suspicion, shall be obliged to exhibit not only their passports, but likewise their certificates, showing that their goods are not of the quality of those specified as contraband in this treaty.

ARTICLE XXIII.

Neutral vessels.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the contracting parties, it is hereby agreed that when one party shall be engaged in war, and the other party shall be neutral, the vessels of the neutral party shall be furnished with passports, that it may appear thereby that they really belong to citizens of

the neutral party. These passports shall be valid for any number of voyages, but shall be renewed every year.

If the vessels are laden, in addition to the passports above named they shall be provided with certificates, in due form, made out by the officers of the place whence they sailed, so that it may be known whether they carry any contraband goods. And if it shall not appear from the said certificates that there are contraband goods on board, the vessels shall be permitted to proceed on their voyage. If it shall appear from the certificates that there are contraband goods on board any such vessel, and the commander of the same shall offer to deliver them up, that offer shall be accepted and a receipt for the same shall be given, and the vessel shall be at liberty to pursue her voyage unless the quantity of contraband goods be greater than can be conveniently received on board the ship of war or privateer, in which case, as in all other cases of just detention, the vessel shall be carried to the nearest safe and convenient port for the delivery of the same.

In case any vessel shall not be furnished with such passport or certificates as are above required for the same, such case may be examined by a proper judge or tribunal; and if it shall appear from other documents or proofs, admissible by the usage of nations, that the vessel belongs to citizens or subjects of the neutral party, it shall not be confiscated, but shall be released with her cargo, (contraband goods excepted,) and be permitted to proceed on her voyage.

ARTICLE XXIV.

Search of vessels.

In order to prevent all kinds of disorder in the visiting and examination of the vessels and cargoes of both the contracting parties on the high seas, it is hereby agreed that whenever a ship of war shall meet with a neutral of the other contracting party, the first shall remain at a convenient distance, and may send its boats, with two or three men only, in order to execute the examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, for which the commanders of the said armed ships shall be responsible with their persons and property; for which purpose the commanders of all private armed vessels shall, before receiving their commissions, give sufficient security to answer for all damages they may commit; and it is hereby agreed and understood that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other purpose whatever.

ARTICLE XXV.

Ships under convoy.

It is expressly agreed by the high contracting parties that the stipulations before mentioned, relative to the conduct to be observed on the sea by the cruisers of the belligerent party toward the ships of the neutral party, shall be applicable only to ships sailing without a convoy; and when the said ships shall be convoyed, it being the intention of the parties to observe all the regards due to the protection of the flag displayed by public ships, it shall not be lawful to visit them; but the verbal declaration of the commander of the convoy that the ships he convoys belong to the nation whose flag he carries, and that they have no contraband goods on board, shall be considered by the respective cruisers as fully sufficient; the two parties reciprocally engaging not to admit, under the protection of their

convoys, ships which shall have on board contraband goods destined to an enemy.

ARTICLE XXVI.

Provisions in case of captures.

Whenever vessels shall be captured or detained, to be carried into port under pretence of carrying to the enemy contraband goods, the captor shall give a receipt for such of the papers of the vessel as he shall retain, which receipt shall be annexed to a copy of said papers; and it shall be unlawful to break up or open the hatches, chests, trunks, casks, bales, or vessels found on board, or remove the smallest part of the goods, unless the lading be brought on shore in presence of the competent officers, and an inventory be made by them of the same. Nor shall it be lawful to sell, exchange, or alienate the said articles of contraband in any manner, unless there shall have been lawful process, and the competent judge or judges shall have pronounced against such goods sentence of confiscation.

ARTICLE XXVII.

Care of captured property.

That proper care may be taken of the vessel and cargo, and embezzlement prevented in time of war, it is hereby agreed that it shall not be lawful to remove the master, commander, or supercargo of any captured vessel from on board thereof, during the time the vessel may be at sea after her capture, or pending the proceedings against her or her cargo, or anything relating thereto; and in all cases where a vessel of the citizens of either party shall be captured or seized and held for adjudication, her officers, passengers, and crew shall be hospitably treated. They shall not be imprisoned or deprived of any part of their wearing apparel, nor of the possession and use of their money, not exceeding for the captain, supercargo, mate, and passengers five hundred dollars each, and for the sailors one hundred dollars each.

ARTICLE XXVIII.

Prize courts.

It is further agreed that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either of the parties shall pronounce judgment against any vessel, or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and all of the proceedings in the case, shall, if demanded, be delivered to the commander or agent of the said vessel without any delay, he paying the legal fees for the same.

ARTICLE XXIX.

Duties on prize ships or their captors.

When the ships of war of the two contracting parties, or those belonging to their citizens which are armed in war, shall be admitted to enter with their prizes the ports of either of the two parties, the said public or private ships, as well as their prizes, shall not be obliged to pay any duty either to the officers of the place, the judges, or any others; nor shall such prizes, when they come to and enter the ports of either party, be arrested or seized, nor shall the officers of the place make examination concerning the lawfulness of such prizes; but they may hoist sail at any time and depart and carry their

prizes to the places expressed in their commissions, which the commanders of such ships shall be obliged to show. It is understood, however, that the privileges conferred by this article shall not extend beyond those allowed by law or by treaty with the most favored nation.

ARTICLE XXX.

Foreign privateers.

It shall not be lawful for any foreign privateers who have commissions from any Prince or State in enmity with either nation to fit their ships in the ports of either, to sell their prizes, or in any manner to exchange them; neither shall they be allowed to purchase provisions, except such as shall be necessary to their going to the next port of that Prince or State from which they have received their commissions.

ARTICLE XXXI.

Letters of marque.

No citizen of Hayti shall apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the said United States, or any of them, or against the citizens, people, or inhabitants of the said United States, or any of them, or against the property of any of the inhabitants of any of them, from any Prince or State with which the said United States shall be at war; nor shall any citizen of the said United States, or of any of them, apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the citizens or inhabitants of Hayti, or any of them, or the property of any of them, from any Prince or State with which the said Republic shall be at war; and if any person of either nation shall take such commission or letters of marque, he shall be punished according to their respective laws.

ARTICLE XXXII.

Rights of diplomatic agents.

The high contracting parties, desiring to avoid all inequality in their public communications and official intercourse, agree to grant to their Envoys, Ministers, and other diplomatic agents, the same favors, privileges, immunities, and exemptions which the most favored nations do or shall enjoy; it being understood that whatever favors, privileges, immunities, or exemptions, the United States of America or the Republic of Hayti may find it proper to give to the Envoys, Ministers, and other diplomatic agents, of any other Power, shall by the same act be extended to those of each of the contracting parties.

ARTICLE XXXIII.

Consuls and Vice-Consuls.

To protect more effectually the commerce and navigation of their respective citizens, the United States of America and the Republic of Hayti agree to admit and receive, mutually, Consuls and Vice-Consuls in all their ports open to foreign commerce, who shall enjoy, within their respective consular districts, all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nation.

ARTICLE XXXIV.

Exequaturs.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall,

before exercising their official functions, exhibit to the Government to which they are accredited their commissions or patents in due form; and, having obtained their exequatur, they shall be acknowledged, in their official character, by the authorities, magistrates, and inhabitants, in the consular district in which they reside.

ARTICLE XXXV.

Consuls, &c.

It is also agreed that the Consuls, their secretaries, officers, and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all kinds of imposts, taxes, and contributions, except those which they shall be obliged to pay on account of their commerce or property, to which the citizens or inhabitants, native or foreign, of the country in which they reside, are subject; being, in everything besides, subject to the laws of the respective States. The archives and papers of the consulates shall be respected inviolably; and under no pretext whatever shall any person, magistrate, or other public authority seize or in any way interfere with them.

ARTICLE XXXVI.

Consuls, deserters, &c.

The said Consuls and Vice-Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand such deserters, proving by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed a part of the crews; and on this claim being substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the Consuls and Vice-Consuls, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months, to be counted from the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause.

ARTICLE XXXVII.

Consular convention.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit, to form a consular convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

ARTICLE XXXVIII.

Fugitives from justice.

It is agreed that the high contracting parties shall, on requisitions made in their name, through the medium of their respective diplomatic agents, deliver up to justice persons who, being charged with the crimes enumerated in the following article, committed within the jurisdiction of the requiring party, shall seek an asylum or shall be found within the territories of the other: *Provided*, That this shall be done only when the fact of the commission of the crime shall be so estab-

lished as to justify their apprehension and commitment for trial, if the crime had been committed in the country where the persons so accused shall be found; in all of which the tribunals of said country shall proceed and decide according to their own laws.

ARTICLE XXXIX.

Persons shall be delivered up, according to the provisions of this treaty, who shall be charged with any of the following crimes, to wit: murder, (including assassination, parricide, infanticide, and poisoning,) attempt to commit murder, piracy, rape, forgery, the counterfeiting of money, the utterance of forged papér, arson, robbery, and embezzlement by public officers, or by persons hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment.

Crimes for which surrender shall be made.

ARTICLE XL.

The surrender shall be made, on the part of each country, only by the authority of the Executive thereof. The expenses of the detention and delivery, effected in virtue of the preceding articles, shall be at the cost of the party making the demand.

Surrender to be made by the Executive.

ARTICLE XLI.

The provisions of the foregoing articles relating to the extradition of fugitive criminals shall not apply to offences committed before the date hereof, nor to those of a political character. Neither of the contracting parties shall be bound to deliver up its own citizens under the provisions of this treaty.

Offences not included.

ARTICLE XLII.

The present treaty shall remain in force for the term of eight years, dating from the exchange of ratifications; and if one year before the expiration of that period neither of the contracting parties shall have given notice to the other of its intention to terminate the same, it shall continue in force, from year to year, until one year after an official notification to terminate the same, as aforesaid.

Duration of treaty.

ARTICLE XLIII.

The present treaty shall be submitted on both sides to the approval and ratification of the respective competent authorities of each of the contracting parties, and the ratifications shall be exchanged at Washington within six months from the date hereof, or sooner if possible.

Ratifications.

In faith whereof the respective Plenipotentiaries have signed the foregoing articles, in the English and French languages, and they have hereunto affixed their seals.

Done, in duplicate, at the city of Port au Prince, this third day of November, in the year of our Lord one thousand eight hundred and sixty-four.

B. F. WHIDDEN. [L. S.]
BOYER BAZELAIS. [L. S.]

HESSE.

HESSE CASSEL, 1844.

CONVENTION WITH HESSE CASSEL. CONCLUDED MARCH 26, 1844; RATIFICATIONS EXCHANGED OCTOBER 16, 1844; PROCLAIMED MAY 8, 1845.

Convention for the mutual abolition of the droit d'aubaine and taxes on emigration between the United States of America and the Grand Duchy of Hesse.

Preamble.

The United States of America, on the one part, and His Royal Highness the Grand Duke of Hesse, on the other part, being equally desirous of removing the restrictions which exist in their territories upon the acquisition and transfer of property by their respective citizens and subjects, have agreed to enter into negotiation for this purpose.

Negotiators.

For the attainment of this desirable object the President of the United States of America has conferred full powers on Henry Wheaton, their Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the King of Prussia, and His Royal Highness the Grand Duke of Hesse, upon Baron Schaeffer-Bernstein, his Chamberlain, Colonel, Aide-de-Camp, and Minister Resident near His Majesty the King of Prussia;

Who, after having exchanged their said full powers, found in due and proper form, have agreed to the following articles:

ARTICLE I.

Droit d'aubaine.

Every kind of droit d'aubaine, droit de retraite, and droit de détraction, or tax on emigration, is hereby, and shall remain, abolished, between the two contracting parties, their States, citizens, and subjects, respectively.

ARTICLE II.

Real property.

Where, on the death of any person holding real property within the territories of one party, such real property would, by the laws of the land, descend on a subject or citizen of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a term of two years to sell the same, which term may be reasonably prolonged, according to circumstances, and to withdraw the proceeds thereof, without molestation, and exempt from all duties of detraction on the part of the Government of the respective States.

ARTICLE III.

Personal property.

The citizens or subjects of each of the contracting parties shall have power to dispose of their personal property within the States of the other, by testament, donation, or otherwise; and their heirs, being citizens or subjects of the other contracting party, shall succeed to their said personal property, whether by testament or ab intestato, and may take possession thereof, either by themselves or by

other acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country where the said property lies shall be liable to pay in like cases.

Duties on disposal of personal property.

ARTICLE IV.

In case of the absence of the heirs, the same care shall be taken, provisionally, of such real or personal property as would be taken in a like case of property belonging to the natives of the country, until the lawful owner, or a person who has a right to sell the same, according to article 2, may take measures to receive or dispose of the inheritance.

Property of absent heirs.

ARTICLE V.

If any dispute should arise between different claimants to the same inheritance, they shall be decided, in the last resort, according to the laws and by the judges of the country where the property is situated.

Disputes concerning inheritances.

ARTICLE VI.

This convention shall be ratified by the President of the United States of America, by and with the advice and consent of their Senate, and by His Royal Highness the Grand Duke of Hesse, and the ratifications shall be exchanged at Berlin, within the term of six months from the date of the signature hereof, or sooner if possible.

Ratifications.

In faith of which the respective Plenipotentiaries have signed the above articles, both in French and English, and have thereto affixed their seals; declaring, nevertheless, that the signing in both languages shall not hereafter be cited as a precedent, nor in any way operate to the prejudice of the contracting parties.

Done in quadruplicata in the city of Berlin, on the twenty-sixth day of March, in the year of our Lord one thousand eight hundred and forty-four, and the sixty-eighth of the Independence of the United States of America.

HENRY WHEATON. [L. S.]
B'ON DE SCHAEFFER-BERNSTEIN. [L. S.]

[For stipulations of June 16, 1852, for the mutual delivery of criminals fugitives from justice in certain cases, between the United States and the Elector of Hesse, the Grand Duke of Hesse and on Rhine, and the Landgrave of Hesse-Homburg, see convention of that date with Prussia and other states of the Germanic Confederation.]

GRAND DUCHY OF HESSE, 1868.

[That portion of the Grand Duchy of Hesse north of the Main was incorporated into the North German Union, by the constitution of the latter, July 1, 1867.]

CONVENTION WITH GRAND DUCHY OF HESSE, RELATIVE TO NATURALIZATION. CONCLUDED AUGUST 1, 1868; RATIFICATIONS EXCHANGED JULY 23, 1869; PROCLAIMED AUGUST 31, 1869.

Whereas an agreement was made on the 22d of February, 1868, between the United States of America and the North German Confed-

eration, to regulate the citizenship of those persons who emigrate from the United States of America to the territory of the North German Confederation, and from the North German Confederation to the United States of America; and whereas this agreement by publication in the bulletin of the laws of that Confederation has obtained binding force in the parts of the Grand Duchy of Hesse belonging to the North German Confederation, it has seemed proper in like manner to establish regulations respecting the citizenship of such persons as emigrate from the United States of America to the parts of the Grand Duchy of Hesse not belonging to the North German Confederation, and from the above-described parts of Hesse to the United States of America.

Contracting parties.

The President of the United States of America and His Royal Highness the Grand Duke of Hesse and by Rhine have therefore resolved to treat on this subject, and for that purpose have appointed Plenipotentiaries to conclude a convention, that is to say:

The President of the United States of America, George Bancroft, Envoy Extraordinary and Minister Plenipotentiary, and His Royal Highness the Grand Duke of Hesse and by Rhine, &c., Dr. Frederick Baron von Lindelof, President of his Council of State, Minister of Justice, and Actual Privy Counsellor;

Who have agreed to and signed the following articles:

ARTICLE I.

When citizens of the Grand Duchy of Hesse are to be treated as American citizens, and vice versa.

Citizens of the parts of the Grand Duchy of Hesse not included in the North German Confederation, who have become or shall become naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States five years, shall be held by the Grand Ducal Hessian Government to be American citizens, and shall be treated as such.

Reciprocally, citizens of the United States of America, who have become or shall become naturalized citizens of the above-described parts of the Grand Duchy Hesse, and shall have resided uninterruptedly therein five years, shall be held by the United States to be citizens of the Grand Duchy Hesse, and shall be treated as such.

Declaration of intent.

The declaration of an intention to become a citizen of the one or the other country, has not for either party the effect of naturalization.

ARTICLE II.

Offences committed before emigration.

A naturalized citizen of the one party, on return to the territory of the other party, remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, saving always the limitation established by the laws of his original country.

ARTICLE III.

Convention for extradition of fugitives from justice.

The convention for the mutual delivery of criminals fugitives from justice in certain cases, concluded between the United States of America and the Grand Duchy Hesse, on the 16th of June, 1852, remains in force, without change.

ARTICLE IV.

If a Hessian, naturalized in America, but originally a citizen of the

parts of the Grand Duchy not included in the North German Confederation, renews his residence in those parts without the intent to return to America, he shall be held to have renounced his naturalization in the United States.

Renunciation of naturalization.

Reciprocally, if an American, naturalized in the Grand Duchy of Hesse, (within the above-described parts,) renews his residence in the United States without the intent to return to Hesse, he shall be held to have renounced his naturalization in the Grand Duchy.

The intent not to return may be held to exist, when the person naturalized in the one country resides more than two years in the other country.

ARTICLE V.

The present convention shall go into effect immediately, on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

Duration of convention.

ARTICLE VI.

The present convention shall be ratified by the President of the United States of America, and by His Royal Highness the Grand Duke of Hesse and by Rhine, etc. The ratification of the first is to take effect by and with the advice and consent of the Senate of the United States; on the Grand Ducal Hessian side, the assent of the States of the Grand Duchy is reserved, in so far as it is required by the constitution.

Ratifications.

The ratifications shall be exchanged at Berlin within one year of the present date.

In faith whereof the Plenipotentiaries have signed and sealed this convention.

Darmstadt, the 1st of August, 1868.

GEO. BANCROFT. [L. S.]
FRIEDRICH FREIHERR VON LINDELOF. [L. S.]

HONDURAS.

HONDURAS, 1864.

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF HONDURAS. CONCLUDED AT COMAYAGUA, JULY 4, 1864; RATIFICATIONS EXCHANGED AT TEGUCIGALPA MAY 5, 1865; PROCLAIMED MAY 30, 1865.

Treaty of friendship, commerce, and navigation between the United States of America and the Republic of Honduras.

Contracting parties.

Commercial intercourse having been for some time established between the United States and the Republic of Honduras, it seems good for the security as well as the encouragement of such commercial intercourse, and for the maintenance of good understanding between the United States and the said Republic, that the relations now subsisting between them should be regularly acknowledged and confirmed by the signature of a treaty of amity, commerce, and navigation. For this purpose they have named their respective Plenipotentiaries, that is to say:

Plenipotentiaries.

The President of the United States, Thomas H. Clay, Minister Resident of the United States to the Republic of Honduras; and His Excellency the President of the Republic of Honduras, Señor Licenciado Don Manuel Colindres, Minister of Foreign Relations of that Republic;

Who, after having communicated to each other their full powers, found to be in due and proper form, have agreed upon and concluded the following articles:

ARTICLE I.

Peace and amity.

There shall be perpetual amity between the United States and their citizens on the one part, and the Government of the Republic of Honduras and its citizens on the other.

ARTICLE II.

Reciprocal freedom of commerce.

There shall be, between all the Territories of the United States and the Territories of the Republic of Honduras, a reciprocal freedom of commerce. The subjects and citizens of the two countries, respectively, shall have liberty, freely and securely, to come with their ships and cargoes to all places, ports, and rivers in the Territories aforesaid, to which other foreigners are or may be permitted to come; to enter into the same, and to remain and reside in any part thereof, respectively; also to hire and occupy houses and warehouses for the purposes of their commerce; and, generally, the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce; subject, always, to the laws and statutes of the two countries respectively.

In like manner the respective ships of war and post-office packets of the two countries shall have liberty, freely and securely, to come to all

harbors, rivers, and places to which other foreign ships of war and packets are or may be permitted to come, to enter into the same, to anchor and to remain there and refit; subject, always, to the laws and statutes of the two countries respectively.

By the right of entering the places, ports, and rivers mentioned in this article, the privilege of carrying on the coasting trade is not understood; in which trade national vessels only of the country where the trade is carried on are permitted to engage.

Coasting trade.

ARTICLE III.

It being the intention of the two high contracting parties to bind themselves by the preceding articles, to treat each other on the footing of the most favored nation, it is hereby agreed between them that any favor, privilege, or immunity whatever, in matters of commerce and navigation, which either contracting party has actually granted, or may hereafter grant, to the subjects or citizens of any other State, shall be extended to the citizens or subjects of the other high contracting party gratuitously, if the concession in favor of that other nation shall have been gratuitous; or in return for a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

Privileges.

ARTICLE IV.

No higher nor other duties shall be imposed on the importation into the territories of the United States of any articles being of the growth, produce, or manufacture of the Republic of Honduras, and no higher nor other duties shall be imposed upon the importation into the territories of the Republic of Honduras of any articles being the growth, produce, or manufacture of the territories of the United States, than are or shall be payable on the like articles being the growth, produce, or manufacture of any other foreign country; nor shall any other or higher duties or charges be imposed in the territories of either of the high contracting parties on the exportation of any articles to the territories of the other, than such as are or may be payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed upon the exportation or importation of any articles the growth, produce, or manufacture of the territories of the United States, or of the Republic of Honduras, to or from the said territories of the United States, or to or from the Republic of Honduras, which shall not extend equally to all other nations.

Duties.

ARTICLE V.

No higher nor other duties or payments on account of tonnage, of light or harbor dues, of pilotage, of salvage, in case either of damage or shipwreck, or on account of any other local charges, shall be imposed in any of the ports of the Republic of Honduras, on vessels of the United States, than those payable in the same ports by vessels of Honduras; nor in any of the ports of the United States, on vessels of Honduras, than shall be payable in the same ports on vessels of the United States.

Tonnage dues, &c.

ARTICLE VI.

The same duties shall be paid on the importation into the territories

of the Republic of Honduras of any article being of the growth, produce, or manufacture of the territories of the United States, whether such importation shall be made in vessels of Honduras or of the United States; and the same duties shall be paid on the importation into the territories of the United States of any article being the growth, produce, or manufacture of the Republic of Honduras, whether such importation shall be made in United States or in Honduras vessels.

Bounties and drawbacks.

The same dues shall be paid, and the same bounties and drawbacks allowed, on the exportation to the Republic of Honduras of any articles being the growth, produce, or manufacture of the territories of the United States, whether such exportations shall be made in vessels of Honduras or of the United States; and the same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any articles being the growth, produce, or manufacture of the Republic of Honduras to the territories of the United States, whether such exportation shall be made in United States or in Honduras vessels.

ARTICLE VII.

Rights of United States citizens in Honduras and vice versa.

All merchants, commanders of ships, and others, citizens of the United States, shall have full liberty, in all the territories of the Republic of Honduras, to manage their own affairs themselves, or to commit them to the management of whomsoever they please, as broker, factor, agent, or interpreter; nor shall they be obliged to employ any other persons in those capacities than those employed by citizens of Honduras, nor to pay them any other salary or remuneration than such as is paid in like cases by citizens of Honduras; and absolute freedom, in all cases, shall be allowed to the buyer and seller to bargain and fix the price of any goods, wares, or merchandise imported into or exported from the Republic of Honduras, as they shall see good, observing the laws and established customs of the country.

The same privileges shall be enjoyed in the territories of the United States by the citizens of the Republic of Honduras under the same conditions.

The citizens of the high contracting parties shall reciprocally receive and enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice in the said countries, respectively, for the prosecution and defense of their just rights; and they shall be at liberty to employ, in all cases, the advocates, attorneys, or agents of whatever description, whom they may think proper, and they shall enjoy in this respect the same rights and privileges therein as native citizens.

ARTICLE VIII.

Further privileges.

In whatever relates to the police of the ports, the lading and unlading of ships, the safety of the merchandise, goods, and effects, the succession to personal estates by will or otherwise, and the disposal of personal property of every sort and denomination, by sale, donation, exchange, testament, or in any other manner whatsoever, as also the administration of justice, the citizens of the two high contracting parties shall reciprocally enjoy the same privileges, liberties, and rights as native citizens, and they shall not be charged in any of these respects with any higher imposts or duties than those which are paid or may be paid by native citizens; submitting, of course, to the local laws and regulations of each country respectively.

If any citizen of either of the two high contracting parties shall die without will or testament in any of the territories of the other, the Consul-General or Consul of the nation to which the deceased belonged, or the representative of such Consul-General or Consul in his absence, shall have the right to nominate curators to take charge of the property of the deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased, giving proper notice of such nomination to the authorities of the country.

Estates of persons deceased.

ARTICLE IX.

The citizens of the United States residing in the Republic of Honduras, and the citizens of the Republic of Honduras residing in the United States, shall be exempted from all compulsory military service whatsoever, either by sea or by land, and from all forced loans or military exactions or requisitions, and they shall not be compelled, under any pretext whatsoever, to pay other ordinary charges, requisitions, or taxes greater than those that are paid by native citizens of the contracting parties respectively.

Military service.

ARTICLE X.

It shall be free for each of the two high contracting parties to appoint Consuls for the protection of trade, to reside in any of the territories of the other party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and either of the high contracting parties may except from the residence of Consuls such particular places as they judge fit to be excepted. The Diplomatic Agents and Consuls of Honduras shall enjoy in the territories of the United States whatever privileges, exemptions, and immunities are or shall be granted to agents of the same rank belonging to the most favored nation; and in like manner the Diplomatic Agents and Consuls of the United States in the territories of Honduras shall enjoy, according to the strictest reciprocity, whatever privileges, exemptions, and immunities are or may be granted in the Republic of Honduras to the Diplomatic Agents and Consuls of the most favored nation.

Diplomatic Agents and Consuls.

Residence.

ARTICLE XI.

For the better security of commerce between the citizens of the United States and the citizens of the Republic of Honduras, it is agreed that if at any time any interruption of friendly intercourse, or any rupture, should unfortunately take place between the two high contracting parties, the citizens of either of the two high contracting parties who may be within any of the territories of the other shall, if residing upon the coast, be allowed six months, and, if in the interior, a whole year, to wind up their accounts and dispose of their property; and a safe conduct shall be given them to embark at the port which they themselves shall select. And even in the event of a rupture, all such citizens of either of the two high contracting parties who are established in any of the territories of the other, in the exercise of any trade or special employment, shall have the privilege of remaining, and of continuing such trade and employment therein without any manner of interruption, in the full enjoyment of their liberty and property as long as they behave peaceably, and commit no offense against the laws; and their goods and effects, of whatever description they may be, whether in their own custody or intrusted to individuals or to the State, shall not be liable to seizure or sequestration, nor to any other charges

Case of war.

or demands than those which may be made upon the like effects or property belonging to the native citizens of the country in which such citizens may reside. In the same case debts between individuals, property in public funds, and shares of companies, shall never be confiscated, sequestered, nor detained.

ARTICLE XII.

Further privileges.

The citizens of the United States and the citizens of the Republic of Honduras, respectively, residing in any of the territories of the other party, shall enjoy in their houses, persons, and properties the protection of the Government, and shall continue in possession of the guarantees which they now enjoy. They shall not be disturbed, molested, or annoyed in any manner on account of their religious belief, nor in the proper exercise of their religion, either within their own private houses or in the places of worship destined for that purpose, agreeably to the system of tolerance established in the territories of the two high contracting parties; provided they respect the religion of the nation in which they reside, as well as the constitution, laws, and customs of the country. Liberty shall also be granted to bury the citizens of either of the two high contracting parties who may die in the territories aforesaid, in burial places of their own, which in the same manner may be freely established and maintained; nor shall the funerals or sepulchres of the dead be disturbed in any way, or upon any account.

ARTICLE XIII.

Termination of certain articles of this treaty.

In order that the two high contracting parties may have the opportunity of hereafter treating and agreeing upon such other arrangements as may tend still further to the improvement of their mutual intercourse, and to the advancement of the interests of their respective citizens, it is agreed that, at any time after the expiration of seven years from the date of exchange of the ratifications of the present treaty, either of the high contracting parties shall have the right of giving to the other party notice of its intention to terminate Articles IV, V, and VI of the present treaty; and that at the expiration of twelve months after such notice shall have been received by either party from the other, the said articles, and all the stipulations contained therein, shall cease to be binding on the two high contracting parties.

ARTICLE XIV.

Honduras Inter-oceanic Railway Company.

Inasmuch as a contract was entered into by the Government of Honduras and a company entitled the "Honduras Inter-oceanic Railway Company," for the coustruction of a railway from the Atlantic to the Pacific Oceans, through the territories of Honduras, which contract was ratified by the constitutional powers of the State, and proclaimed as a law on the 28th April, 1854; and inasmuch, by the terms of article 5, section VI, of said contract, "the Government of Honduras, with the view to secure the route herein contemplated from all interruption and disturbance from any cause, or under any circumstances, engages to open negotiations with the various Governments with which it may have relations for their separate recognition of the perpetual neutrality, and for the protection of the aforesaid route;" therefore, to carry out the obligations thus incurred:

1. The Government of Honduras agrees that the right of way or or transit over such route or road, or any other that may be constructed within its territories, from sea to sea, shall be at all times open and free to the Government and citizens of the United States for all lawful purposes

whatever. No tolls, duties, or charges of any kind shall be imposed by the Government of Honduras on the transit of property belonging to the Government of the United States, or on the public mails sent under authority of the same, nor on the citizens of the United States. And all lawful produce, manufactures, merchandise, or other property belonging to the citizens of the United States, passing from one ocean to the other, in either direction, shall be subject to no import or export duties whatever, nor to any discriminating tolls or charges for conveyance or transit, on any such route or road as aforesaid, and shall be secure and protected from all interruption or detention on the part of the State. The Republic of Honduras further agrees that any other privilege or advantage, commercial or other, which is or may be granted to the subjects or citizens of any other country, in regard to such route or road as aforesaid, shall also, and at the same time, be extended to citizens of the United States; and finally, as an evidence of its disposition to accord to the travel and commerce of the world all the advantages resulting from its position in respect to the two great oceans, Honduras, of her own good will, engages to establish the ports at the extremities of the contemplated road, as free ports, for all the purposes of commerce and trade.

2. In consideration of these concessions, in order to secure the construction and permanence of the route or road herein contemplated, and also to secure, for the benefit of mankind, the uninterrupted advantages of such communication from sea to sea, the United States recognizes the rights of sovereignty and property of Honduras in and over the line of said road, and for the same reason guarantees, positively and efficaciously, the entire neutrality of the same, so long as the United States shall enjoy the privileges conceded to it in the preceding section of this article. And when the proposed road shall have been completed, the United States equally engages, in conjunction with Honduras, to protect the same from interruption, seizure, or unjust confiscation, from whatsoever quarter the attempt may proceed.

3. Nevertheless, the United States, in according its protection to the said route or road, and guaranteeing its neutrality, when completed, always understand that this protection and guarantee are granted conditionally, and may be withdrawn if the United States should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this article, either by making unfair discriminations in favor of the commerce of any nation or nations over the commerce of any other nation or nations, or by imposing oppressive exactions or unreasonable tolls upon passengers, vessels, goods, wares, merchandise, or other articles. The aforesaid protection and guarantee shall not, however, be withdrawn by the United States without first giving six months' notice to the Republic of Honduras.

ARTICLE XV.

The present treaty shall be ratified, and the ratifications shall be exchanged at Comayagua within the space of one year, or sooner if possible. Ratifications.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Comayagua this fourth day of July, in the year of our Lord one thousand eight hundred and sixty-four.

THOS. H. CLAY. [L. S.]
M. COLINDRES. [L. S.]

ITALY.

ITALY, 1868.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE KING OF ITALY, DEFINING THE RIGHTS, IMMUNITIES, AND PRIVILEGES OF CONSULS. CONCLUDED FEBRUARY 8, 1868; RATIFICATIONS EXCHANGED SEPTEMBER 17, 1868; PROCLAIMED FEBRUARY 23, 1869.

Contracting parties.

The President of the United States and His Majesty the King of Italy, recognizing the utility of defining the rights, privileges, and immunities of consular officers in the two countries, deem it expedient to conclude a consular convention for that purpose.

Accordingly, they have named:

The President of the United States, William H. Seward, Secretary of State of the United States; His Majesty the King of Italy, the Commander Marcello Cerruti, &c., &c.;

Who, after communicating to each other their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Consuls-General, Consuls, &c.

Each of the high contracting parties agrees to receive from the other Consuls General, Consuls, Vice-Consuls, and Consular Agents, in all its ports, cities, and places, except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the high contracting parties without also applying to every other Power.

ARTICLE II.

Exequatur.

Consular officers, on the presentation of their commissions in the forms established in their respective countries, shall be furnished with the necessary exequatur free of charge, and on the exhibition of this instrument they shall be permitted to enjoy the rights, prerogatives, and immunities granted by this convention.

ARTICLE III.

Consular officers to be exempt from arrest, &c.

Consular officers, citizens or subjects of the State by which they are appointed, shall be exempt from arrest, except in the case of offences which the local legislation qualifies as crimes, and punishes as such; from military billetings, from service in the militia or in the national guard, or in the regular army, and from all taxation, Federal, State, or municipal. If, however, they are citizens or subjects of the State where they reside, or own property, or engage in business there, they shall be liable to the same charges of all kinds as other citizens or subjects of the country, who are merchants or owners of property.

ARTICLE IV.

No consular officer who is a citizen or subject of the State by which

he was appointed, and who is not engaged in business, shall be compelled to appear as a witness before the courts of the country where he may reside. When the testimony of such a consular officer is needed, he shall be invited in writing to appear in court, and if unable to do so, his testimony shall be requested in writing, or be taken orally, at his dwelling or office.

Consuls as witnesses.

It shall be the duty of said consular officer to comply with this request, without any delay which can be avoided.

In all criminal cases contemplated by the sixth article of the amendments to the Constitution of the United States, whereby the right is secured to persons charged with crimes to obtain witnesses in their favor, the appearance in court of said consular officer shall be demanded, with all possible regard to the consular dignity and to the duties of his office. A similar treatment shall also be extended to United States Consuls in Italy in the like cases.

ARTICLE V.

Consuls General, Consuls, Vice-Consuls, and Consular Agents may place over the outer door of their offices, or of their dwelling-houses, the arms of their nation, with this inscription, "Consulate, or Vice-Consulate, or Consular Agency," of the United States, or of Italy, &c., &c. And they may also raise the flag of their country on their offices or dwellings, except in the capital of the country, when there is a legation there.

Arms and flag of nation of Consul.

ARTICLE VI.

The consular offices and dwellings shall be at all times inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the papers there deposited. In no case shall those offices or dwellings be used as places of asylum. When, however, a consular officer is engaged in other business, the papers relating to the consulate shall be kept separate.

Consular officers, dwellings, papers, &c.

ARTICLE VII.

In the event of the death, incapacity, or absence of Consuls General, Consuls, Vice-Consuls, and Consular Agents, their chancellors or secretaries, whose official character may have previously been made known to the Department of State at Washington, or to the Minister for Foreign Affairs in Italy, may temporarily exercise their functions, and while thus acting they shall enjoy all the rights, prerogatives, and immunities granted to the incumbents.

Case of the absence or death of Consular officers.

ARTICLE VIII.

Consuls General and Consuls may, with the approbation of their respective Governments, appoint Vice-Consuls and Consular Agents in the cities, ports, and places within their consular jurisdiction. These officers may be citizens of the United States, Italian subjects, or other foreigners. They shall be furnished with a commission by the Consul who appoints them, and under whose orders they are to act. They shall enjoy the privileges stipulated for consular officers in this convention, subject to the exceptions specified in Articles III and IV.

Vice-Consuls.

ARTICLE IX.

Infractions of treaties or conventions.

Consuls General, Consuls, Vice-Consuls, and Consular Agents, may complain to the authorities of the respective countries, whether Federal or local, judicial or local, judicial or executive, within their consular district, of any infraction of the treaties and conventions between the United States and Italy, or for the purpose of protecting the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the consular officers aforesaid, in the absence of a diplomatic agent of their country, may apply directly to the Government of the country where they reside.

ARTICLE X.

Powers of Consuls.

Consuls General, Consuls, Vice-Consuls, and Consular Agents may take at their offices, at the residence of the parties, at their private residence, or on board ship, the depositions of the captains and crews of vessels of their own country, of passengers on board of them, and of any other citizen or subject of their nation. They may also receive at their offices, conformably to the laws and regulations of their country, all contracts between the citizens and subjects of their country, and the citizens, subjects, or other inhabitants of the country where they reside, and even all contracts between the latter, provided they relate to property situated or to business to be transacted in the territory of the nation to which said consular officer may belong. Copies of such papers, and official documents of every kind, whether in the original, copy, or translation, duly authenticated and legalized, by the Consuls General, Consuls, Vice-Consuls, and Consular Agents, and sealed with their official seal, shall be received as legal documents in courts of justice throughout the United States and Italy.

ARTICLE XI.

Powers of Consuls.

Consuls General, Consuls, Vice-Consuls, and Consular Agents shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall alone take cognizance of differences which may arise, either at sea or in port, between the captains, officers, and crews, without exception, particularly in reference to the adjustment of wages and the execution of contracts. Neither the Federal, State, or municipal authorities or courts in the United States, nor any court or authority in Italy, shall on any pretext interfere in these differences, but shall render forcible aid to consular officers, when they may ask it, to search, arrest, and imprison all persons composing the crew whom they may deem it necessary to confine. Those persons shall be arrested at the sole request of the Consuls, addressed in writing to either the Federal, State, or municipal courts or authorities in the United States, or to any court or authority in Italy, and supported by an official extract from the register of the ship, or the list of the crew, and shall be held, during the whole time of their stay in the port, at the disposal of the consular officers.

Their release shall be granted at the mere request of such officers made in writing. The expenses of the arrest and detention of those persons shall be paid by the consular officers.

ARTICLE XII.

In conformity with the act of Congress, (5 [3] March, 1855, "to regu-

late the carriage of passengers on steamships and other vessels,") all disputes and differences of any nature between the captains and their officers on one hand, and the passengers of their ships on the other, shall be brought to and decided by the circuit or district courts in the United States, to the exclusion of all other courts or authorities.

Disputes between the officers of vessels and their passengers.

ARTICLE XIII.

The respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents may arrest the officers, sailors, and all other persons making part of the crew of ships of war or merchant vessels of their nation who may be guilty, or be accused of having deserted said ships and vessels, for the purpose of sending them on board or back to their country. To that end, the Consuls of Italy in the United States may apply in writing to either the Federal, State, or municipal courts or authorities; and the Consuls of the United States in Italy may apply to any of the competent authorities and make a request in writing for the deserters, supporting it by the exhibition of the register of the vessel and list of the crew, or by other official documents, to show that the persons claimed belong to the said crew.

Deserters.

Upon such request alone, thus supported, and without the exaction of any oath from the consular officers, the deserters, not being citizens or subjects of the country where the demand is made at the time of their shipping, shall be given up. All the necessary aid and protection shall be furnished for the search, pursuit, seizure, and arrest of the deserters, who shall even be put and kept in the prisons of the country, at the request and expense of the consular officers until there may be an opportunity for sending them away. If, however, such an opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserter shall be set at liberty, nor shall he be again arrested for the same cause.

ARTICLE XIV.

In the absence of an agreement to the contrary between the owners, freighters, and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter port voluntarily or are forced by stress of weather, shall be settled by the Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the respective countries where they reside. If, however, any inhabitant of the country, or citizen, or subject of a third Power shall be interested in the matter, and the parties cannot agree, the competent local authorities shall decide.

Damages suffered at sea.

ARTICLE XV.

All proceedings relative to the salvage of American vessels wrecked upon the coasts of Italy, and of Italian vessels wrecked upon the coasts of the United States, shall be directed by the Consuls-General, Consuls, and Vice-Consuls of the two countries respectively, and, until their arrival, by the respective Consular Agents, whenever an agency exists. In the places and ports where an agency does not exist, the local authorities, until the arrival of the Consul in whose district the wreck may have occurred, and who shall immediately be informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of property. The local authori-

Salvage.

ties shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if they do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any custom-house charges, unless it be intended for consumption in the country where the wreck may have taken place.

ARTICLE XVI.

Death of citizens of either country in the territory of the other.

In case of the death of a citizen of the United States in Italy, or of an Italian subject in the United States, without having any known heirs or testamentary executor by him appointed, the competent local authorities shall inform the Consuls or Consular Agents of the nation to which the deceased belongs of the circumstance, in order that the necessary information may be immediately forwarded to parties interested.

ARTICLE XVII.

Duration of this convention.

The present convention shall remain in force for the space of ten (10) years, counting from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries, and exchanged at Washington, within the period of six (6) months, or sooner if possible.

In case neither party gives notice, twelve (12) months after the expiration of the said period of ten (10) years, of its intention to renew this convention, it shall remain in force one (1) year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

In faith whereof, the respective Plenipotentiaries have signed this convention, and have hereunto affixed their seals.

Done in duplicate, at Washington, the eighth day of February, 1868, the ninety-second year of the Independence of the United States of America.

WILLIAM H. SEWARD. [SEAL.]
MARCELLO CERRUTI. [SEAL.]

ITALY, 1869.

ADDITIONAL ARTICLE TO CONVENTION OF FEBRUARY 8, 1868. CONCLUDED JANUARY 21, 1869; RATIFICATIONS EXCHANGED MAY 7, 1869; PROCLAIMED MAY 11, 1869.

Time for exchanging ratifications of convention relating to Consuls extended.

The exchange of ratifications of the convention for regulating the jurisdiction of Consuls, between the United States and His Majesty the King of Italy, which was signed on the 8th of February, 1868, having been unavoidably delayed beyond the period stipulated in Article XVII, it is agreed between the high contracting parties that the said convention shall have the same force and effect as it would have had if the exchange had been effected within the stipulated period.

In witness whereof, the respective Plenipotentiaries have signed the present article in duplicate, and have affixed thereto the seal of their arms.

Done at Washington the 21st day of January, 1869.

WILLIAM H. SEWARD. [SEAL.]
M. CERRUTI. [SEAL.]

ITALY, 1868.

CONVENTION BETWEEN THE UNITED STATES AND THE KING OF ITALY FOR THE SURRENDER OF CRIMINALS. CONCLUDED AT WASHINGTON, MARCH 23, 1868; RATIFICATIONS EXCHANGED SEPTEMBER 17, 1868; PROCLAIMED SEPTEMBER 30, 1868.

The United States of America and His Majesty the King of Italy, having judged it expedient, with a view to the better administration of justice, and to the prevention of crimes within their respective territories and jurisdiction, that persons convicted of or charged with the crimes hereinafter specified, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a convention for that purpose, and have appointed as their Plenipotentiaries: Contracting parties.

The President of the United States, William H. Seward, Secretary of State; His Majesty the King of Italy, the Commander Marcello Cerruti, Envoy Extraordinary and Minister Plenipotentiary;

Who, after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles, to wit:

ARTICLE I.

The Government of the United States and the Government of Italy mutually agree to deliver up persons who, having been convicted of or charged with the crimes specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other: Provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial, if the crime had been there committed. Extradition of criminals.

ARTICLE II.

Persons shall be delivered up who shall have been convicted of, or be charged, according to the provisions of this convention, with any of the following crimes: Crimes.

1. Murder, comprehending the crimes designated in the Italian penal code by the terms of parricide, assassination, poisoning, and infanticide.
2. The attempt to commit murder.
3. The crimes of rape, arson, piracy, and mutiny on board a ship, whenever the crew, or part thereof, by fraud or violence against the commander, have taken possession of the vessel.
4. The crime of burglary, defined to be the action of breaking and entering by night into the house of another with the intent to commit felony; and the crime of robbery, defined to be the action of feloniously and forcibly taking from the person of another goods or money, by violence or putting him in fear.
5. The crime of forgery, by which is understood the utterance of forged papers, the counterfeiting of public, sovereign, or Government acts.
6. The fabrication or circulation of counterfeit money, either coin or paper, of public bonds, bank-notes, and obligations, and in general of any title and instrument of credit whatsoever, the counterfeiting of

seals, dies, stamps, and marks of State and public administrations, and the utterance thereof.

7. The embezzlement of public moneys, committed within the jurisdiction of either party, by public officers or depositors.

8. Embezzlement by any person or persons hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment.

ARTICLE III.

Political offences.

The provisions of this treaty shall not apply to any crime or offence of a political character, and the person or persons delivered up for the crimes enumerated in the preceding article shall in no case be tried for any ordinary crime, committed previously to that for which his or their surrender is asked.

ARTICLE IV.

Extradition for local offences.

If the person whose surrender may be claimed, pursuant to the stipulations of the present treaty, shall have been arrested for the commission of offences in the country where he has sought an asylum, or shall have been convicted thereof, his extradition may be deferred until he shall have been acquitted, or have served the term of imprisonment to which he may have been sentenced.

ARTICLE V.

Requisitions for extradition.

Requisitions for the surrender of fugitives from justice shall be made by the respective Diplomatic Agents of the contracting parties, or in the event of the absence of these from the country or its seat of Government, they may be made by superior consular officers. If the person whose extradition may be asked for shall have been convicted of a crime, a copy of the sentence of the court in which he may have been convicted, authenticated under its seal, and an attestation of the official character of the judge by the proper executive authority, and of the latter by the Minister or Consul of the United States or of Italy, respectively, shall accompany the requisition. When, however, the fugitive shall have been merely charged with crime, a duly authenticated copy of the warrant for his arrest in the country where the crime may have been committed, or of the depositions upon which such warrant may have been issued, must accompany the requisition as aforesaid. The President of the United States, or the proper executive authority in Italy, may then issue a warrant for the apprehension of the fugitive, in order that he may be brought before the proper judicial authority for examination. If it should then be decided that, according to law and the evidence, the extradition is due pursuant to the treaty, the fugitive may be given up according to the forms prescribed in such cases.

ARTICLE VI.

Expenses.

The expenses of the arrest, detention, and transportation of the persons claimed, shall be paid by the Government in whose name the requisition shall have been made.

ARTICLE VII.

This convention shall continue in force during five (5) years from the

day of exchange of ratifications; but if neither party shall have given to the other six (6) months' previous notice of its intention to terminate the same, the convention shall remain in force five years longer, and so on.

Duration of convention.

The present convention shall be ratified, and the ratifications exchanged at Washington, within six (6) months, and sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the present convention in duplicate, and have thereunto affixed their seals.

Done at Washington the twenty-third day of March, A. D. one thousand eight hundred and sixty-eight, and of the Independence of the United States the ninety-second.

WILLIAM H. SEWARD. [SEAL.]
M. CERRUTI. [SEAL.]

ITALY, 1869.

ADDITIONAL ARTICLE TO CONVENTION OF MARCH 23, 1868. CONCLUDED JANUARY 21, 1869; RATIFICATIONS EXCHANGED MAY 7, 1869; PROCLAIMED MAY 11, 1869.

It is agreed that the concluding paragraph of the second article of the convention aforesaid shall be so amended as to read as follows:

8. Embezzlement by any person or persons hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment according to the laws of the United States, and criminal punishment according to the laws of Italy.

Embezzlement to be cause for extradition.

In witness whereof, the respective Plenipotentiaries have signed the present article in duplicate, and have affixed thereto the seal of their arms.

Done at Washington the 21st day of January, 1869.

WILLIAM H. SEWARD. [SEAL.]
M. CERRUTI. [SEAL.]

ITALY, 1871.

TREATY OF COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF ITALY. SIGNED FEBRUARY 26, 1871; RATIFICATIONS EXCHANGED NOVEMBER 18, 1871; PROCLAIMED NOVEMBER 23, 1871.

The United States of America and His Majesty the King of Italy, desiring to extend and facilitate the relations of commerce and navigation between the two countries, have determined to conclude a treaty for that purpose, and have named as their respective Plenipotentiaries:

Contracting parties.

The United States of America, George Perkins Marsh, their Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of Italy; and His Majesty the King of Italy, the Noble Emilio Visconti Venosta, Grand Cordon of his Orders of the Saints Maurice and Lazarus, and of the Crown of Italy, Deputy in Parliament, and his Minister Secretary of State for Foreign Affairs;

And the said Plenipotentiaries, having exchanged their full powers, found in good and due form, have concluded and signed the following articles:

ARTICLE I.

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation.

Reciprocal liberty of commerce and navigation.

Italian citizens in the United States, and citizens of the United States in Italy, shall mutually have liberty to enter with their ships and cargoes all the ports of the United States and of Italy, respectively, which may be open to foreign commerce. They shall also have liberty to sojourn and reside in all parts whatever of said territories. They shall enjoy, respectively, within the States and possessions of each party, the same rights, privileges, favors, immunities, and exemptions for their commerce and navigation as the natives of the country wherein they reside, without paying other or higher duties or charges than are paid by the natives, on condition of their submitting to the laws and ordinances there prevailing.

Residence, rights, and privileges.

War vessels.

War vessels of the two Powers shall receive in their respective ports the treatment of those of the most favored nations.

ARTICLE II.

The citizens of each of the high contracting parties shall have liberty to travel in the States and territories of the other, to carry on trade, wholesale and retail, to hire and occupy houses and warehouses, to employ agents of their choice, and generally to do anything incident to or necessary for trade, upon the same terms as the natives of the country, submitting themselves to the laws there established.

Right to travel and carry on trade.

ARTICLE III.

The citizens of each of the high contracting parties shall receive, in the States and Territories of the other, the most constant protection and security for their persons and property, and shall enjoy in this respect the same rights and privileges as are or shall be granted to the natives, on their submitting themselves to the conditions imposed upon the natives.

Security to persons and property.

They shall, however, be exempt in their respective territories from compulsory military service, either on land or sea, in the regular forces, or in the national guard, or in the militia. They shall likewise be exempt from any judicial or municipal office, and from any contribution whatever, in kind or in money, to be levied in compensation for personal services.

Exemption from compulsory military service, from office, and contributions.

ARTICLE IV.

The citizens of neither of the contracting parties shall be liable, in the States or territories of the other, to any embargo, nor shall they be detained with their vessels, cargoes, merchandise, or effects, for any military expedition, nor for any public or private purpose whatsoever, without allowing to those interested a sufficient indemnification previously agreed upon when possible.

No embargo or detention without indemnification.

ARTICLE V.

The high contracting parties agree that whatever kind of produce,

manufactures, or merchandise of any foreign country can be from time to time lawfully imported into the United States, in their own vessels, may be also imported in Italian vessels; that no other or higher duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other; and, in like manner, that whatsoever kind of produce, manufactures, or merchandise of any foreign country can be from time to time lawfully imported into Italy in its own vessels, may be also imported in vessels of the United States, and that no higher or other duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other; and they further agree that whatever may be lawfully exported and re-exported from the one country, in its own vessels, to any foreign country, may in the like manner be exported or re-exported in the vessels of the other country, and the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of Italy.

Imports into the United States in Italian vessels, and duties thereon.

Imports into Italy in vessels of the United States, and duties thereon.

Exports, bounties, duties, and drawbacks.

ARTICLE VI.

No higher or other duties shall be imposed on the importation into the United States of any articles, the produce or manufactures of Italy, and no higher or other duties shall be imposed on the importation into Italy of any articles, the produce or manufactures of the United States, than are or shall be payable on the like articles, being the produce or the manufactures of any other foreign country; nor shall any other or higher duties or charges be imposed, in either of the two countries, on the exportation of any articles to the United States or to Italy, respectively, than such as are payable on the exportation of the like articles to any foreign country, nor shall any prohibition be imposed on the importation or the exportation of any articles the produce or manufactures of the United States or of Italy, to or from the territories of the United States, or to or from the territories of Italy, which shall not equally extend to all other nations.

Duties upon imports into either country.

Duties upon exports.

Prohibition.

ARTICLE VII.

Vessels of the United States arriving at a port of Italy, and, reciprocally, vessels of Italy arriving at a port of the United States, may proceed to any other port of the same country, and may there discharge such part of their original cargoes as may not have been discharged at the port where they first arrived. It is, however, understood and agreed that nothing contained in this article shall apply to the coastwise navigation, which each of the two contracting parties reserves exclusively to itself.

Vessels of either country entering a port of the other may proceed to another port and discharge; but not engage in coastwise navigation.

ARTICLE VIII.

The following shall be exempt from paying tonnage, anchorage, and clearance duties in the respective ports:

1st. Vessels entering in ballast, and leaving again in ballast, from whatever port they may come.

Certain vessels to be exempt from tonnage, anchorage, and clearance duties.

2. Vessels passing from a port of either of the two States into one or more ports of the same State, therein to discharge a part or all of their cargo, or take in or complete their cargo, whenever they shall furnish proof of having already paid the aforesaid duties.

3. Loaded vessels entering a port either voluntarily or forced from stress of weather, and leaving it without having disposed of the whole or part of their cargoes, or having therein completed their cargoes.

What vessels not to be considered as engaging in trade.

No vessel of the one country, which may be compelled to enter a port of the other, shall be regarded as engaging in trade if it merely breaks bulk for repairs, transfers her cargo to another vessel on account of unseaworthiness, purchases stores, or sells damaged goods for re-exportation. It is, however, understood that all portions of such damaged goods destined to be sold for internal consumption shall be liable to the payment of custom duties.

What damaged goods to pay customs duties.

ARTICLE IX.

Wrecked, &c., vessels to receive assistance, &c.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage, on the coasts or within the dominions of the other, there shall be given to it all assistance and protection in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects, and to reload the same, or part thereof, paying no duties whatsoever but such as shall be due upon the articles left for consumption.

No duties, except, &c.

ARTICLE X.

Vessels may complete their crews.

Vessels of either of the contracting parties shall have liberty, within the territories and dominions of the other, to complete their crew, in order to continue their voyage, with sailors articled in the country, provided they submit to the local regulations and their enrolment be voluntary.

ARTICLE XI.

Vessels, &c., captured by pirates, and found within, &c., to be delivered to owners, if claimed within one year.

All ships, merchandise, and effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving, in due and proper form, their rights before the competent tribunals; it being well understood that the claim should be made within the term of one year, by the parties themselves, their attorneys, or agents of the respective Governments.

ARTICLE XII.

Private property of, &c., in case of war, to be exempt from capture.

The high contracting parties agree that, in the unfortunate event of a war between them, the private property of their respective citizens and subjects, with the exception of contraband of war, shall be exempt from capture or seizure, on the high seas or elsewhere, by the armed vessels or by the military forces of either party; it being understood that this exemption shall not extend to vessels and their cargoes which may attempt to enter a port blockaded by the naval forces of either party.

Exemption not to extend to, &c.

ARTICLE XIII.

The high contracting parties having agreed that a state of war between one of them and a third Power shall not, except in the cases of blockade and contraband of war, affect the neutral commerce of the other, and being desirous of removing every uncertainty which may hitherto have arisen respecting that which, upon principles of fairness and justice, ought to constitute a legal blockade, they hereby expressly declare that such places only shall be considered blockaded as shall be actually invested by naval forces capable of preventing the entry of neutrals, and so stationed as to create an evident danger on their part to attempt it.

What to constitute a legal blockade.

ARTICLE XIV.

And whereas it frequently happens that vessels sail for a port or a place belonging to an enemy without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband of war, be confiscated, unless, after a warning of such blockade or investment from an officer commanding a vessel of the blockading forces, by an endorsement of such officer on the papers of the vessel, mentioning the date and the latitude and longitude where such endorsement was made, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either, that may have entered into such a port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo, nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof; and if any vessel, having thus entered any port before the blockade took place, shall take on board a cargo after the blockade be established, she shall be subject to being warned by the blockading forces to return to the port blockaded and discharge the said cargo, and if, after receiving the said warning, the vessel shall persist in going out with the cargo, she shall be liable to the same consequences as a vessel attempting to enter a blockaded port after being warned off by the blockading forces.

Vessels attempting in ignorance to enter a blockaded port, not to be detained, &c., unless, &c.

What endorsement on the vessel's papers.

As to vessels in port, when blockade is established.

ARTICLE XV.

The liberty of navigation and commerce secured to neutrals by the stipulations of this treaty shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband of war. And, in order to remove all causes of doubt and misunderstanding upon this subject, the contracting parties expressly agree and declare that the following articles, and no others, shall be considered as comprehended under this denomination:

What to be deemed contraband of war.

1. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, bombs, grenades, powder, matches, balls, and all other things belonging to, and expressly manufactured for, the use of these arms.

2. Infantry belts, implements of war and defensive weapons, clothes cut or made up in a military form and for a military use.

3. Cavalry belts, war saddles and holsters.

4. And generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed expressly to make war by sea or land.

ARTICLE XVI.

Citizens of either country may sail from any port and trade in the ports, &c., of those who are enemies of the other.

It shall be lawful for the citizens of the United States, and for the subjects of the Kingdom of Italy, to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are, or hereafter shall be, at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise before mentioned, and to trade with the same liberty and security from the places, ports, and havens of those who are enemies of both or either party without any opposition or disturbance whatever, not only directly from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one Power or under several; and it is hereby stipulated that free ships shall also give freedom to goods, and that everything shall be deemed to be free and exempt from capture which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading or any part thereof should appertain to the enemies of the other, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board of a free ship; and they shall not be taken out of that free ship unless they are officers or soldiers, and in the actual service of the enemy: Provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those Powers only who recognize this principle, but if either of the two contracting parties shall be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not of others.

Free ships to make free goods, contraband excepted.

And free persons, except, &c.

This privilege to extend only to what flags.

ARTICLE XVII.

What to be deemed vessels of the United States, and what Italian vessels.

All vessels sailing under the flag of the United States, and furnished with such papers as their laws require, shall be regarded in Italy as vessels of the United States, and, reciprocally, all vessels sailing under the flag of Italy, and furnished with the papers which the laws of Italy require, shall be regarded in the United States as Italian vessels.

ARTICLE XVIII.

Examination on the high seas of the merchant vessels of one country by the war vessels of the other.

In order to prevent all kinds of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed, mutually, that whenever a vessel of war shall meet with a vessel not of war of the other contracting party, the first shall remain at

a convenient distance, and may send its boat, with two or three men only, in order to execute the said examination of the papers, concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment; and it is expressly agreed that the unarmed party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other purpose whatever.

Article XIX.

Provision as to vessels under convoy.

It is agreed that the stipulations contained in the present treaty relative to the visiting and examining of a vessel shall apply only to those which sail without a convoy; and when said vessels shall be under convoy the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and when bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

Article XX.

Commanders of ships of war liable to punishment and damages for outrages on persons or property of citizens of the other country.

In order effectually to provide for the security of the citizens and subjects of the contracting parties, it is agreed between them that all commanders of ships of war of each party, respectively, shall be strictly enjoined to forbear from doing any damage to or committing any outrage against the citizens or subjects of the other, or against their vessels or property; and if the said commanders shall act contrary to this stipulation, they shall be severely punished, and made answerable in their persons and estates for the satisfaction and reparation of said damages, of whatever nature they may be.

Article XXI.

In case of war, merchants to be allowed a certain time to arrange business and leave.

Who may continue their respective employments unmolested.

If by any fatality, which cannot be expected, and which may God avert, the two contracting parties should be engaged in a war with each other, they have agreed and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business, and transport their effects wherever they please, with the safe conduct necessary to protect them and their property, until they arrive at the ports designated for their embarkation. And all women and children, scholars of every faculty, cultivators of the earth, artisans, mechanics, manufacturers, and fishermen, unarmed and inhabiting the unfortified towns, villages, or places, and, in general, all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt or otherwise destroyed, nor their fields wasted by the armed force of the belligerent in whose power, by the events of war, they may happen to fall; but, if it be necessary that anything should be taken from them for the use of such belligerent, the same shall be paid for at a reasonable price.

This article not to be annulled or suspended on any pretence.

And it is declared that neither the pretence that war dissolves treaties, nor any other whatever, shall be considered as annulling or suspending this article; but, on the contrary, that the state of war is precisely that for which it is provided, and during

JAPAN.

JAPAN, 1854.

TREATY OF PEACE AND AMITY WITH JAPAN. CONCLUDED MARCH 31, 1854; RATIFICATIONS EXCHANGED FEBRUARY 21, 1855; PROCLAIMED JUNE 22, 1855.

Title.

Preamble.

The United States of America and the Empire of Japan, desiring to establish firm, lasting, and sincere friendship between the two nations, have resolved to fix, in a manner clear and positive, by means of a treaty or general convention of peace and amity, the rules which shall in future be mutually observed in the intercourse of their respective countries; for which most desirable object the President of the United States has conferred full powers on his Commissioner, Matthew Calbraith Perry, Special Ambassador of the United States to Japan, and the August Sovereign of Japan has given similar full powers to his Commissioners, Hayashi, Daigaku-no-kami; Ido, Prince of Tsus-Sima; Izawa, Prince of Mima-saki; and Udono, Member of the Board of Revenue. And the said Commissioners, after having exchanged their said full powers, and duly considered the premises, have agreed to the following articles:

ARTICLE I.

There shall be a perfect, permanent, and universal peace and a sincere and cordial amity between the United States of America on the one part, and the Empire of Japan on the other part, and between their people respectively, without exception of persons or places.

ARTICLE II.

Simoda and Hakodade ports.

The port of Simoda, in the principality of Idzu, and the port of Hakodade, in the principality of Matsmai, are granted by the Japanese as ports for the reception of American ships, where they can be supplied with wood, water, provisions, and coal, and other articles their necessities may require, as far as the Japanese have them. The time for opening the first-named port is immediately on signing this treaty; the last-named port is to be opened immediately after the same day in the ensuing Japanese year.

NOTE.—A tariff of prices shall be given by the Japanese officers of the things which they can furnish, payment for which shall be made in gold and silver coin.

ARTICLE III.

Wrecks.

Whenever ships of the United States are thrown or wrecked on the coast of Japan, the Japanese vessels will assist them, and carry their crews to Simoda, or Hakodade, and hand them over to their countrymen, appointed to receive them; whatever articles the shipwrecked men may have preserved shall likewise be restored, and the expenses incurred in the rescue and support of Americans and Japanese who may thus be thrown upon the shores of either nation are not to be refunded.

ARTICLE IV.

Those shipwrecked persons and other citizens of the United States shall be free as in other countries, and not subjected to confinement, but shall be amenable to just laws.

ARTICLE V.

Shipwrecked men and other citizens of the United States, temporarily living at Simoda and Hakodade, shall not be subject to such restrictions and confinement as the Dutch and Chinese are at Nagasaki, but shall be free at Simoda to go where they please within the limits of seven Japanese miles (or ri) from a small island in the harbor of Simoda, marked on the accompanying chart hereto appended; and shall in like manner be free to go where they please at Hakodade, within limits to be defined after the visit of the United States squadron to that place.

ARTICLE VI.

If there be any other sort of goods wanted, or any business which shall require to be arranged, there shall be careful deliberation between the parties in order to settle such matters. In case other things are wanted.

ARTICLE VII.

It is agreed that ships of the United States resorting to the ports open to them shall be permitted to exchange gold and silver coin and articles of goods for other articles of goods, under such regulations as shall be temporarily established by the Japanese Government for that purpose. It is stipulated, however, that the ships of the United States shall be permitted to carry away whatever articles they are unwilling to exchange. Trade.

ARTICLE VIII.

Wood, water, provisions, coal, and goods required, shall only be procured through the agency of Japanese officers appointed for that purpose, and in no other manner.

ARTICLE IX.

It is agreed that if at any future day the Government of Japan shall grant to any other nation or nations privileges and advantages which are not herein granted to the United States and the citizens thereof, that these same privileges and advantages shall be granted likewise to the United States and to the citizens thereof, without any consultation or delay.

ARTICLE X.

Ships of the United States shall be permitted to resort to no other ports in Japan but Simoda and Hakodade, unless in distress or forced by stress of weather. Other ports.

ARTICLE XI.

There shall be appointed, by the Government of the United States,

Consuls.

Consuls or Agents to reside in Simoda, at any time after the expiration of eighteen months from the date of the signing of this treaty; provided that either of the two Governments deem such arrangement necessary.

ARTICLE XII.

Ratifications.

The present convention having been concluded and duly signed, shall be obligatory and faithfully observed by the United States of America and Japan, and by the citizens and subjects of each respective Power; and it is to be ratified and approved by the President of the United States, by and with the advice and consent of the Senate thereof, and by the August Sovereign of Japan, and the ratification shall be exchanged within eighteen months from the date of the signature thereof, or sooner if practicable.

In faith whereof we, the respective Plenipotentiaries of the United States of America and the Empire of Japan aforesaid, have signed and sealed these presents.

Done at Kanagawa, this thirty-first day of March, in the year of our Lord Jesus Christ one thousand eight hundred and fifty-four, and of Kayei the seventh year, third month, and third day.

M. C. PERRY.

JAPAN, 1857.

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE EMPIRE OF JAPAN. CONCLUDED AT SIMODA JUNE 17, 1857; PROCLAIMED JUNE 30, 1858.

Negotiators.

For the purpose of further regulating the intercourse of American citizens within the Empire of Japan, and, after due deliberation, His Excellency Townsend Harris, Consul General of the United States of America for the Empire of Japan, and their Excellencies Inowouye, Prince of Sinano, and Nakamoera, Prince of Dewa, Governors of Simoda, all having full powers from their respective Governments, have agreed on the following articles, to wit:

ARTICLE I.

Port of Nangasaki to be open to American vessels.

The port of Nangasaki, in the principality of Hizen, shall be open to American vessels, where they may repair damages, procure water, fuel, provisions, and other necessary articles, even coals, where they are obtainable.

ARTICLE II.

American citizens may reside at Simoda and Hakodade.

It being known that American ships coming to the ports of Simoda and Hakodade cannot have their wants supplied by the Japanese, it is agreed that American citizens may permanently reside at Simoda and Hakodade, and the Government of the United States may appoint a Vice-Consul to reside at Hakodade.

This article to go into effect on the fourth day of July, eighteen hundred fifty-eight.

ARTICLE III.

In settlement of accounts the value of the money brought by the Americans shall be ascertained by weighing it with Japanese coin, (gold and silver itsebues,) that is, gold with gold, and silver with silver, or weights representing Japanese coin may be used, after such weights have been carefully examined and found to be correct.

American and Japanese coin.

The value of the money of the Americans having been thus ascertained, the sum of six per cent. shall be allowed to the Japanese for the expense of recoinage.

ARTICLE IV.

Americans committing offences in Japan shall be tried by the American Consul General or Consul, and shall be punished according to American laws.

Jurisdiction of offences.

Japanese committing offences against Americans shall be tried by the Japanese authorities, and punished according to Japanese laws.

ARTICLE V.

American ships which may resort to the ports of Simoda, Hakodade, or Nangasaki, for the purpose of obtaining necessary supplies, or to repair damages, shall pay for them in gold or silver coin; and if they have no money, goods shall be taken in exchange.

Medium of exchange, &c.

ARTICLE VI.

The Government of Japan admits the right of His Excellency the Consul General of the United States to go beyond the limits of Seven Ri, but has asked him to delay the use of that right, except in cases of emergency, shipwreck, &c., to which he has assented.

Rights of Consul General, &c.

ARTICLE VII.

Purchases for His Excellency the Consul General, or his family, may be made by him only, or by some member of his family, and payment made to the seller for the same, without the intervention of any Japanese official; and for this purpose Japanese silver and copper coin shall be supplied to His Excellency the Consul General.

Purchases for Consul General.

ARTICLE VIII.

As His Excellency the Consul General of the United States of America has no knowledge of the Japanese language, nor their Excellencies the Governors of Simoda a knowledge of the English language, it is agreed that the true meaning shall be found in the Dutch version of the articles.

Dutch version.

ARTICLE IX.

All the foregoing articles shall go into effect from the date hereof, except article two, which shall go into effect on the date indicated in it.

Done in quintuplicate, (each copy being in English, Japanese, and Dutch,) at the Goyosso of Simoda, on the seventeenth day of June, in

the year of the Christian era eighteen hundred fifty-seven, and of the Independence of the United States of America the eighty-first, corresponding to the fourth Japanese year of Ansei, Mi, the fifth month, the twenty-sixth day, the English version being signed by His Excellency the Consul General of the United States of America, and the Japanese version by their Excellencies the Governors of Simoda.

TOWNSEND HARRIS. [L. S.]

JAPAN, 1858.

TREATY OF AMITY AND COMMERCE, BETWEEN THE UNITED STATES OF AMERICA AND THE EMPIRE OF JAPAN. CONCLUDED AT THE CITY OF YEDO JULY 29, 1858. RATIFICATIONS EXCHANGED AT WASHINGTON MAY 22, 1860. PROCLAIMED MAY 23, 1860.

Contracting parties.

The President of the United States of America and His Majesty the Ty-coon of Japan, desiring to establish on firm and lasting foundations the relations of peace and friendship now happily existing between the two countries, and to secure the best interest of their respective citizens and subjects by encouraging, facilitating, and regulating their industry and trade, have resolved to conclude a treaty of amity and commerce for this purpose, and have therefore named as their plenipotentiaries, that is to say:

The President of the United States, His Excellency Townsend Harris, Consul General of the United States of America for the Empire of Japan, and His Majesty the Ty-coon of Japan, their Excellencies Inooye, Prince of Sinano, and Iwasay, Prince of Hego;

Who, after having communicated to each other their respective full powers, and found them to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

Amity, &c.

There shall henceforward be perpetual peace and friendship between the United States of America and His Majesty the Ty-coon of Japan and his successors.

Diplomatic agents.

The President of the United States may appoint a Diplomatic Agent to reside at the city of Yedo, and Consuls or Consular Agents to reside at any or all of the ports in Japan which are opened for American commerce by this treaty. The Diplomatic Agent and Consul General of the United States shall have the right to travel freely in any part of the Empire of Japan from the time they enter on the discharge of their official duties.

The Government of Japan may appoint a Diplomatic Agent to reside at Washington, and Consuls or Consular Agents for any or all of the ports of the United States. The Diplomatic Agent and Consul General of Japan may travel freely in any part of the United States from the time they arrive in the country.

ARTICLE II.

Mediator.

The President of the United States, at the request of the Japanese Government, will act as a friendly mediator in such matters of difference as may arise between the Government of Japan and any European power.

The ships of war of the United States shall render friendly aid and assistance to such Japanese vessels as they may meet on the high seas, so far as can be done without a breach of neutrality; and all American Consuls residing at ports visited by Japanese vessels shall also give them such friendly aid as may be permitted by the laws of the respective countries in which they reside.

Ships of war of United States.

ARTICLE III.

In addition to the ports of Simoda and Hakodade, the following ports and towns shall be opened on the dates respectively appended to them, that is to say: Kanagawa, on the (4th of July, 1859) fourth day of July, one thousand eight hundred and fifty-nine; Nagasaki, on the (4th of July, 1859) fourth day of July, one thousand eight hundred and fifty-nine; Nee-e-gata, on the (1st of January, 1860) first day of January, one thousand eight hundred and sixty; Hiogo, on the (1st of January, 1863) first day of January, one thousand eight hundred and sixty-three.

Ports opened.

If Nee-e-gata is found to be unsuitable as a harbour, another port on the west coast of Nipon shall be selected by the two Governments in lieu thereof. Six months after the opening of Kanagawa the port of Simoda shall be closed as a place of residence and trade for American citizens. In all the foregoing ports and towns American citizens may permanently reside; they shall have the right to lease ground, and purchase the buildings thereon, and may erect dwellings and warehouses. But no fortification or place of military strength shall be erected under pretence of building dwelling or warehouses; and to see that this article is observed, the Japanese authorities shall have the right to inspect, from time to time, any buildings which are being erected, altered, or repaired. The place which the Americans shall occupy for their buildings, and the harbour regulations, shall be arranged by the American Consul and the authorities of each place; and if they cannot agree, the matter shall be referred to and settled by the American Diplomatic Agent and the Japanese Government.

Regulations regarding residence of Americans in Japan.

No wall, fence, or gate shall be erected by the Japanese around the place of residence of the Americans, or anything done which may prevent a free egress and ingress to the same.

From the (1st of January, 1862) first day of January, one thousand eight hundred and sixty-two, Americans shall be allowed to reside in the city of Yedo; and from the (1st of January, 1863,) first day of January, one thousand eight hundred and sixty-three, in the city of Osaca, for the purposes of trade only. In each of these two cities a suitable place within which they may hire houses, and the distance they may go, shall be arranged by the American Diplomatic Agent and the Government of Japan. Americans may freely buy from Japanese and sell to them any articles that either may have for sale, without the intervention of any Japanese officers in such purchase or sale, or in making or receiving payment for the same; and all classes of Japanese may purchase, sell, keep, or use any articles sold to them by the Americans.

The Japanese Government will cause this clause to be made public in every part of the Empire as soon as the ratifications of this treaty shall be exchanged.

Munitions of war shall only be sold to the Japanese Government and foreigners.

No rice or wheat shall be exported from Japan as cargo, but all Amer-

icans resident in Japan, and ships, for their crews and passengers, shall be furnished with sufficient supplies of the same. The Japanese Government will sell, from time to time at public auction, any surplus quantity of copper that may be produced. Americans residing in Japan shall have the right to employ Japanese as servants or in any other capacity.

ARTICLE IV.

Duties.

Duties shall be paid to the Government of Japan on all goods landed in the country, and on all articles of Japanese production that are exported as cargo, according to the tariff hereunto appended.

If the Japanese custom-house officers are dissatisfied with the value placed on any goods by the owner, they may place a value thereon, and offer to take the goods at that valuation. If the owner refuses to accept the offer, he shall pay duty on such valuation. If the offer be accepted by the owner, the purchase-money shall be paid to him without delay, and without any abatement or discount.

Supplies.

Supplies for the use of the United States navy may be landed at Kanagawa, Hakodade, and Nagasaki, and stored in warehouses, in the custody of an officer of the American Government, without the payment of any duty. But, if any such supplies are sold in Japan, the purchaser shall pay the proper duty to the Japanese authorities.

Opium.

The importation of opium is prohibited, and any American vessel coming to Japan for the purposes of trade, having more than (3) three catties' (four pounds avoirdupois) weight of opium on board, such surplus quantity shall be seized and destroyed by the Japanese authorities. All goods imported into Japan, and which have paid the duty fixed by this treaty, may be transported by the Japanese into any part of the Empire without the payment of any tax, excise, or transit duty whatever.

No higher duties shall be paid by Americans on goods imported into Japan than are fixed by this treaty, nor shall any higher duties be paid by Americans than are levied on the same description of goods if imported in Japanese vessels, or the vessels of any other nation.

ARTICLE V.

Foreign coin.

All foreign coin shall be current in Japan and pass for its corresponding weight of Japanese coin of the same description. Americans and Japanese may freely use foreign or Japanese coin, in making payments to each other.

As some time will elapse before the Japanese will be acquainted with the value of foreign coin, the Japanese Government will, for the period of one year after the opening of each harbour, furnish the Americans with Japanese coin, in exchange for theirs, equal weights being given and no discount taken for recoinage. Coins of all description (with the exception of Japanese copper coin) may be exported from Japan, and foreign gold and silver uncoined.

ARTICLE VI.

Jurisdiction over offences.

Americans committing offences against Japanese shall be tried in American consular courts, and when guilty shall be punished according to American law. Japanese committing

offences against Americans shall be tried by the Japanese authorities and punished according to Japanese law. The consular courts shall be open to Japanese creditors, to enable them to recover their just claims against American citizens, and the Japanese courts shall in like manner be open to American citizens for the recovery of their just claims against Japanese.

All claims for forfeitures or penalties for violations of this treaty, or of the articles regulating trade which are appended hereunto, shall be sued for in the consular courts, and all recoveries shall be delivered to the Japanese authorities.

Forfeitures and penalties under this treaty.

Neither the American or Japanese Governments are to be held responsible for the payment of any debts contracted by their respective citizens or subjects.

ARTICLE VII.

In the opened harbours of Japan, Americans shall be free to go where they please within the following limits:

Limits of opened harbors.

At Kanagawa, the River Logo, (which empties into the Bay of Yedo, between Kawasaki and Sinagawa,) and (10) ten ri in any other direction.

At Hakodade, (10) ten ri in any direction.

At Hiogo, (10) ten ri in any direction, that of Kioto excepted, which city shall not be approached nearer than (10) ten ri. The crews of vessels resorting to Hiogo shall not cross the River Enagawa, which empties into the bay between Hiogo and Osaca. The distances shall be measured inland from the Goyoso, or town hall, of each of the foregoing harbours, the ri being equal to (4,275) four thousand two hundred and seventy-five yards, American measure.

At Nagasaki, Americans may go into any part of the imperial domain in its vicinity. The boundaries of Nee-e-gata, or the place that may be substituted for it, shall be settled by the American Diplomatic Agent and the Government of Japan. Americans who have been convicted of felony, or twice convicted of misdemeanours, shall not go more than (1) one Japanese ri inland from the places of their respective residences; and all persons so convicted shall lose their right of permanent residence in Japan, and the Japanese authorities may require them to leave the country.

Loss of right of permanent residence.

A reasonable time shall be allowed to all such persons to settle their affairs, and the American consular authority shall, after an examination into the circumstances of each case, determine the time to be allowed, but such time shall not in any case exceed one year, to be calculated from the time the person shall be free to attend to his affairs.

ARTICLE VIII.

Americans in Japan shall be allowed the free exercise of their religion, and for this purpose shall have the right to erect suitable places of worship. No injury shall be done to such buildings, nor any insult be offered to the religious worship of the Americans. American citizens shall not injure any Japanese temple or mia, or offer any insult or injury to Japanese religious ceremonies, or to the objects of their worship.

Religious freedom.

The Americans and Japanese shall not do anything that may be calculated to excite religious animosity. The Government of Japan has already abolished the practice of trampling on religious emblems.

ARTICLE IX.

Deserters.

When requested by the American Consul, the Japanese authorities will cause the arrest of all deserters and fugitives from justice, receive in jail all persons held as prisoners by the Consul, and give to the Consul such assistance as may be required to enable him to enforce the observance of the laws by the Americans who are on land, and to maintain order among the shipping. For all such services, and for the support of prisoners kept in confinement, the Consul shall in all cases pay a just compensation.

ARTICLE X.

Ships of war.

The Japanese Government may purchase or construct, in the United States, ships of war, steamers, merchant-ships, whale-ships, cannon, munitions of war, and arms of all kinds, and any other things it may require. It shall have the right to engage, in the United States, scientific, naval, and military men, artisans of all kinds, and mariners to enter into its service. All purchases made for the Government of Japan may be exported from the United States, and all persons engaged for its service may freely depart from the United States: *Provided*, That no articles that are contraband of war shall be exported, nor any persons engaged to act in a naval or military capacity, while Japan shall be at war with any power in amity with the United States.

ARTICLE XI.

Regulations appended.

The articles for the regulation of trade, which are appended to this treaty, shall be considered as forming a part of the same, and shall be equally binding on both the contracting parties to this treaty, and on their citizens and subjects.

ARTICLE XII.

Treaty of March 31, 1854.

Such of the provisions of the treaty made by Commodore Perry, and signed at Kanagawa, on the 31st of March, 1854, as conflict with the provisions of this treaty are hereby revoked; and as all the provisions of a convention executed by the Consul General of the United States and the Governors of Simoda, on the 17th of June, 1857, are incorporated in this treaty, that convention is also revoked.

The person charged with the diplomatic relations of the United States in Japan, in conjunction with such person or persons as may be appointed for that purpose by the Japanese Government, shall have power to make such rules and regulations as may be required to carry into full and complete effect the provisions of this treaty, and the provisions of the articles regulating trade appended thereunto.

ARTICLE XIII.

Termination of treaty.

After the (4th of July, 1872) fourth day of July, one thousand eight hundred and seventy-two, upon the desire of either the American or Japanese Governments, and on one year's notice given by either party, this treaty, and such portions of the treaty of Kanagawa as remain unrevoked by this treaty, together with the regulations of trade hereunto annexed, or those that may be hereafter introduced, shall be subject to revision by commissioners appointed on

both sides for this purpose, who will be empowered to decide on, and insert therein, such amendments as experience shall prove to be desirable.

ARTICLE XIV.

This treaty shall go into effect on the (4th of July, 1859) fourth day of July, in the year of our Lord one thousand eight hundred and fifty-nine, on or before which day the ratifications of the same shall be exchanged at the city of Washington; but if, from any unforeseen cause, the ratifications cannot be exchanged by that time, the treaty shall still go into effect at the date above mentioned. Treaty to take effect.

The act of ratification on the part of the United States shall be verified by the signature of the President of the United States, countersigned by the Secretary of State, and sealed with the seal of the United States. Ratifications.

The act of ratification on the part of Japan shall be verified by the name and seal of His Majesty the Ty-coon, and by the seals and signatures of such of his high officers as he may direct.

This treaty is executed in quadruplicate, each copy being written in the English, Japanese, and Dutch languages, all the versions having the same meaning and intention, but the Dutch version shall be considered as being the original.

In witness whereof, the above-named Plenipotentiaries have hereunto set their hands and seals, at the city of Yedo, this twenty-ninth day of July, in the year of our Lord one thousand eight hundred and fifty-eight, and of the Independence of the United States of America the eighty-third, corresponding to the Japanese era, the nineteenth day of the sixth month of the fifth year of Ansei Mma.

TOWNSEND HARRIS. [SEAL.]

Regulations under which American trade is to be conducted in Japan.

REGULATION FIRST.

Within (48) forty-eight hours (Sundays excepted) after the arrival of an American ship in a Japanese port, the captain or commander shall exhibit to the Japanese custom-house authorities the receipt of the American Consul, showing that he has deposited the ship's register and other papers, as required by the laws of the United States, at the American consulate, and he shall then make an entry of his ship, by giving a written paper, stating the name of the ship and the name of the port from which she comes, her tonnage, the name of her captain or commander, the names of her passengers, (if any,) and the number of her crew, which paper shall be certified by the captain or commander to be a true statement, and shall be signed by him. He shall at the same time deposit a written manifest of his cargo, setting forth the marks and numbers of the packages and their contents, as they are described in his bills of lading, with the names of the person or persons to whom they are consigned. A list of the stores of the ship shall be added to the manifest. The captain or commander shall certify the manifest to be a true account of all the cargo and stores on board the ship, and shall sign his name to the same. If any error is discovered in the manifest, it may be corrected within (24) twenty-four hours (Sundays excepted) without the payment of any fee; but for any alter- Regulations at custom-house.

ation or post entry to the manifest made after that time a fee of (15) fifteen dollars shall be paid. All goods not entered on the manifest shall pay double duties on being landed. Any captain or commander that shall neglect to enter his vessel at the Japanese custom-house within the time prescribed by this regulation shall pay a penalty of (60) sixty dollars for each day that he shall so neglect to enter his ship.

REGULATION SECOND.

The Japanese Government shall have the right to place custom-house officers on board of any ship in their ports, (men-of-war excepted.) All custom-house officers shall be treated with civility, and such reasonable accommodation shall be allotted to them as the ship affords. No goods shall be unladen from any ship between the hours of sunset and sunrise, except by special permission of the custom-house authorities, and the hatches, and all other places of entrance into that part of the ship where the cargo is stowed, may be secured by Japanese officers, between the hours of sunset and sunrise, by affixing seals, locks, or other fastenings; and if any person shall, without due permission, open any entrance that has been so secured, or shall break or remove any seal, lock, or other fastening that has been affixed by the Japanese custom-house officers, every person so offending shall pay a fine of (60) sixty dollars for each offence. Any goods that shall be discharged or attempted to be discharged from any ship without having been duly entered at the Japanese custom-house, as hereinafter provided, shall be liable to seizure and confiscation.

Unlading of goods.

Packages of goods made up with an attempt to defraud the revenue of Japan, by concealing therein articles of value which are not set forth in the invoice, shall be forfeited.

Revenue frauds.

American ships that shall smuggle, or attempt to smuggle, goods in any of the non-opened harbours of Japan, all such goods shall be forfeited to the Japanese Government, and the ship shall pay a fine of (1,000) one thousand dollars for each offence. Vessels needing repairs may land their cargo for that purpose without the payment of duty. All goods so landed shall remain in charge of the Japanese authorities, and all just charges for storage, labor, and supervision shall be paid thereon. But if any portion of such cargo be sold, the regular duties shall be paid on the portion so disposed of. Cargo may be transhipped to another vessel in the same harbour without the payment of duty; but all transhipments shall be made under the supervision of Japanese officers, and after satisfactory proof has been given to the custom-house authorities of the bona fide nature of the transaction, and also under a permit to be granted for that purpose by such authorities. The importation of opium being prohibited, if any person or persons shall smuggle, or attempt to smuggle, any opium, he or they shall pay a fine of (15) fifteen dollars for each catty of opium so smuggled or attempted to be smuggled; and if more than one person shall be engaged in the offence, they shall collectively be held responsible for the payment of the foregoing penalty.

REGULATION THIRD.

The owner or consignee of any goods, who desires to land them, shall make an entry of the same at the Japanese custom-house. The entry shall be in writing, and shall set forth the name of the person making the entry, and the name of the ship in which the goods were imported, and the marks, numbers, packages, and the contents

Goods to be landed.

thereof, with the value of each package extended separately in one amount, and at the bottom of the entry shall be placed the aggregate value of all the goods contained in the entry. On each entry the owner or consignee shall certify, in writing, that the entry then presented exhibits the actual cost of the goods, and that nothing has been concealed whereby the customs of Japan would be defrauded; and the owner or consignee shall sign his name to such certificate.

The original invoice or invoices of the goods so entered shall be presented to the custom-house authorities, and shall remain in their possession until they have examined the goods contained in the entry.

The Japanese officers may examine any or all the packages so entered, and for this purpose may take them to the custom-house, but such examination shall be without expense to the importer or injury to the goods; and after examination the Japanese shall restore the goods to their original condition in the packages, (so far as may be practicable,) and such examination shall be made without any unreasonable delay.

If any owner or importer discovers that his goods have been damaged on the voyage of importation, before such goods have been delivered to him, he may notify the custom-house authorities of such damage; and he may have the damaged goods appraised by two or more competent and disinterested persons, who, after due examination, shall make a certificate setting forth the amount per cent. of damage on each separate package, describing it by its mark and number, which certificates shall be signed by the appraisers, in presence of the custom-house authorities, and the importer may attach the certificate to his entry, and make a corresponding deduction from it. But this shall not prevent the custom-house authorities from appraising the goods in the manner provided in article fourth of the treaty, to which these regulations are appended.

After the duties have been paid, the owner shall receive a permit authorizing the delivery to him of the goods, whether the same are at the custom-house or on ship-board. All goods intended to be exported shall be entered at the Japanese custom-house before they are placed on ship-board. The entry shall be in writing, and shall state the name of the ship by which the goods are to be exported, with the marks and numbers of the packages, and the quantity, description, and value of their contents. The exporter shall certify, in writing, that the entry is a true account of all the goods contained therein, and shall sign his name thereto. Any goods that are put on board of a ship for exportation before they have been entered at the custom-house, and all packages which contain prohibited articles, shall be forfeited to the Japanese Government.

No entry at the custom-house shall be required for supplies for the use of ships, their crews, and passengers, nor for the clothing, etc., of passengers.

REGULATION FOURTH.

Clearance.

Ships wishing to clear shall give (24) twenty-four hours' notice at the custom-house, and at the end of that time they shall be entitled to their clearance; but, if it be refused, the custom-house authorities shall immediately inform the captain or consignee of the ship of the reasons why the clearance is refused, and they shall also give the same notice to the American Consul.

Ships of war of the United States shall not be required to enter or clear at the custom-house, nor shall they be visited by Japanese cus-

tom-house or police-officers. Steamers carrying the mails of the United States may enter and clear on the same day, and they shall not be required to make a manifest, except for such passengers and goods as are to be landed in Japan. But such steamers shall, in all cases, enter and clear at the custom-house.

Whale-ships touching for supplies, or ships in distress, shall not be required to make a manifest of their cargo; but if they subsequently wish to trade, they shall then deposit a manifest, as required in regulation first.

The word ship, wherever it occurs in these regulations, or in the treaty to which they are attached, is to be held as meaning ship, barque, brig, schooner, sloop, or steamer.

REGULATION FIFTH.

Revenue frauds.

Any person signing a false declaration or certificate, with the intent to defraud the revenue of Japan, shall pay a fine of (125) one hundred and twenty-five dollars for each offence.

REGULATION SIXTH.

Tonnage duties.

Fees.

No tonnage duties shall be levied on American ships in the ports of Japan, but the following fees shall be paid to the Japanese custom-house authorities: For the entry of a ship, (15) fifteen dollars; for the clearance of a ship, (7) seven dollars; for each permit, (1½) one dollar and a half; for each bill of health, (1½) one dollar and a half; for any other document, (1½) one dollar and a half.

REGULATION SEVENTH.

Duties shall be paid to the Japanese Government on all goods landed in the country, according to the following tariff:

Class one.—All articles in this class shall be free of duty.

Gold and silver, coined or uncoined.

Wearing apparel in actual use.

Household furniture and printed books not intended for sale, but the property of persons who come to reside in Japan.

Class two.—A duty of (5) five per cent. shall be paid on the following articles:

All articles used for the purpose of building, rigging, repairing, or fitting out of ships.

Whaling gear of all kinds.

Salted provisions of all kinds.

Bread and breadstuffs.

Living animals of all kinds.

Coals.

Timber for building houses.

Rice.

Paddy.

Steam machinery.

Zinc.

Lead.

Tin.

Raw silk.

Class three.—A duty of (35) thirty-five per cent. shall be paid on all

intoxicating liquors, whether prepared by distillation, fermentation, or in any other manner.

Class four.—All goods not included in any of the preceding classes shall pay a duty of (20) twenty per cent.

All articles of Japanese production which are exported as cargo shall pay a duty of (5) five per cent., with the exception of gold and silver coin and copper in bars. (5) Five years after the opening of Kanagawa the import and export duties shall be subject to revision, if the Japanese Government desires it.

TOWNSEND HARRIS. [L. S.]

JAPAN, 1864.

CONVENTION BETWEEN THE UNITED STATES AND THE EMPIRE OF JAPAN. CONCLUDED AT YEDO, JANUARY 28, 1864; PROCLAIMED APRIL 9, 1866.

For the purpose of encouraging and facilitating the commerce of the citizens of the United States in Japan, and after due deliberation, His Excellency Robert H. Pruyn, Minister Resident of the United States in Japan, and His Excellency Sibata Sadataro, Governor for Foreign Affairs, both having full powers from their respective Governments, have agreed on the following articles, viz: Contracting parties.

ARTICLE I.

The following articles, used in the preparation and packing of teas, shall be free of duty: Duty.

Sheet lead, solder, matting, rattan, oil for painting, indigo, gipsum, firing pans, and baskets.

ARTICLE II.

The following articles shall be admitted at the reduced duty of five per cent.:

Machines and machinery; drugs and medicines. NOTE.—The prohibition of the importation of opium, according to the existing treaty, remains in full force. Iron, in pigs or bars; sheet iron and iron wire; tin plates, white sugar, in loaves or crushed; glass and glassware; clocks, watches, and watch chains; wines, malted and spirituous liquors.

ARTICLE III.

The citizens of the United States, importing or exporting goods, shall always pay the duty fixed thereon, whether such goods are intended for their own use or not.

ARTICLE IV.

This convention having been agreed upon a year ago, and its signature delayed through unavoidable circumstances, it is hereby agreed that the same shall go into effect, at Kanagawa, on the 8th of February next, corresponding to the first day of the first month of the fourth Japanese year of Bunkin-Ne, and at Nagasaki and Hakodate on the 9th day of March next, corresponding to the first day of the second month of the fourth Japanese year of Bunkin Ne.

Done in quadruplicate; each copy being written in the English, Japanese, and Dutch languages; all the versions having the same meaning, but the Dutch version shall be considered as the original.

In witness whereof the above-named Plenipotentiaries have hereunto set their hands and seals, at the city of Yedo, the 28th day of January, of the year of our Lord one thousand eight hundred and sixty-four, and of the Independence of the United States the eighty-eighth, corresponding to the twentieth day of the twelfth month of the third year of Bunkin Ye of the Japanese era.

[SEAL.] ROBERT H. PRUYN.

JAPAN, 1864.

CONVENTION BETWEEN THE UNITED STATES AND THE EMPIRE OF JAPAN. CONCLUDED OCTOBER 22, 1864; PROCLAIMED APRIL 9, 1866.

Amount of damages.

The representatives of the United States of America, Great Britain, France, and the Netherlands, in view of the hostile acts of Mori Daizen, Prince of Nagato and Suwo, which were assuming such formidable proportions as to make it difficult for the Tycoon faithfully to observe the treaties, having been obliged to send their combined forces to the Straits of Simonoseki in order to destroy the batteries erected by that Daimio for the destruction of foreign vessels and the stoppage of trade; and the Government of the Tycoon, on whom devolved the duty of chastising this rebellious Prince, being held responsible for any damage resulting to the interests of the treaty Powers, as well as the expenses occasioned by the expedition:

The undersigned, representatives of treaty Powers, and Sakai Hida no Kami, a member of his second council, invested with plenipotentiary powers by the Tycoon of Japan, animated with the desire to put an end to all reclamations concerning the acts of aggression and hostility committed by the said Mori Daizen since the first of these acts, in June, 1863, against the flags of divers treaty Powers, and at the same time to regulate definitively the question of indemnities of war, of whatever kind, in respect to the allied expedition to Simonoseki, have agreed and determined upon the four articles following:

1. The amount payable to the four Powers is fixed at three millions of dollars. This sum to include all claims, of whatever nature, for past aggressions on the part of Nagato, whether indemnities, ransom for Simonoseki, or expenses entailed by the operations of the allied squadrons.

Payment.

2. The whole sum to be payable quarterly, in instalments of one-sixth, or half a million dollars, to begin from the date when the representatives of said Powers shall make known to the Tycoon's Government the ratification of this convention and the instructions of their respective Governments.

3. Inasmuch as the receipt of money has never been the object of the said Powers, but the establishment of better relations with Japan, and the desire to place these on a more satisfactory and mutually advantageous footing is still the leading object in view, therefore, if His Majesty the Tycoon wishes to offer, in lieu of payment of the sum claimed, and as a material compensation for loss and injury sustained, the opening of Simonoseki, or some other eligible port in the inland sea, it shall be at the option of the said foreign Governments to accept the same,

or insist on the payment of the indemnity in money, under the conditions above stipulated.

4. This convention to be formally ratified by the Tycoon's Government within fifteen days from the date thereof.

In token of which the respective Plenipotentiaries have signed and sealed this convention, in quintuplicate, with English, Dutch, and Japanese versions, whereof the English shall be considered the original.

Done at Yokohama, this 22d day of October, 1864, corresponding to the 22d day of the 9th month of the first year of Gengi.

ROBERT H. PRUYN,
Minister Resident of the United States in Japan.

RUTHERFORD ALCOCK,
H. B. M.'s Envoy Extraordinary and Minister Plenipotentiary in Japan.

LEON ROCHES,
Ministre Plénip're de S. M. L'Empereur des Français au Japon.

D. DE GRAEFF VAN POLSBROEK,
H. N. M.'s Consul General and Political Agent in Japan.

(Signature of Sakai Hida no Kami.)

LEW CHEW.

LEW CHEW, 1854.

COMPACT WITH LEW CHEW. CONCLUDED JULY 11, 1854; PROCLAIMED MARCH 9, 1855.

Trade allowed at Lew Chew.

Hereafter, whenever citizens of the United States come to Lew Chew, they shall be treated with great courtesy and friendship. Whatever articles these people ask for, whether from the officers or people, which the country can furnish, shall be sold to them; nor shall the authorities interpose any prohibitory regulations to the people selling, and whatever either party may wish to buy shall be exchanged at reasonable prices.

Whenever ships of the United States shall come into any harbor in Lew Chew, they shall be supplied with wood and water at reasonable prices; but if they wish to get other articles, they shall be purchasable only at Napa.

Wrecks.

If ships of the United States are wrecked on Great Lew Chew, or on islands under the jurisdiction of the royal Government of Lew Chew, the local authorities shall dispatch persons to assist in saving life and property, and preserve what can be brought ashore till the ships of that nation shall come to take away all that may have been saved; and the expenses incurred in rescuing these unfortunate persons shall be refunded by the nation they belong to.

Conduct of Americans who land.

Whenever persons from ships of the United States come ashore in Lew Chew, they shall be at liberty to ramble where they please without hindrance or having officials sent to follow them, or to spy what they do; but if they violently go into houses, or trifle with women, or force people to sell them things, or do other such like illegal acts, they shall be arrested by the local officers, but not maltreated, and shall be reported to the captain of the ship to which they belong for punishment by him.

At Tumai is a burial-ground for the citizens of the United States, where their graves and tombs shall not be molested.

Pilots.

The Government of Lew Chew shall appoint skillful pilots, who shall be on the lookout for ships appearing off the island, and if one is seen coming towards Napa, they shall go out in good boats beyond the reefs to conduct her into a secure anchorage, for which service the captain shall pay the pilot five dollars, and the same for going out of the harbor beyond the reefs.

Whenever ships anchor at Napa, the officers shall furnish them with wood at the rate of three thousand six hundred copper cash per thousand catties; and with water at the rate of 600 copper cash (43 cents) for one thousand catties, or six barrels full, each containing 30 American gallons.

Signed in the English and Chinese languages, by Commodore Matthew C. Perry, commander-in-chief of the U. S. naval forces in the East India, China, and Japan Seas, and special envoy to Japan for the United States; and by Sho Fu fing, superintendent of affairs (Tsu-li-kwan) in Lew Chew; and Ba Rio-si, treasurer of Lew Chew, at Shni, for the Government of Lew Chew, and copies exchanged this 11th day of July, 1854, or the reign Hien fung, 4th year, 6th moon, 17th day, at the Town Hall of Napa.

M. C. PERRY.

LIBERIA.

LIBERIA, 1862.

TREATY OF COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF LIBERIA. CONCLUDED AT LONDON, OCTOBER 21, 1862; RATIFICATIONS EXCHANGED FEBRUARY 17, 1863; PROCLAIMED MARCH 18, 1863.

The United States of America and the Republic of Liberia, desiring to fix, in a permanent and equitable manner, the rules to be observed in the intercourse and commerce they desire to establish between their respective countries, have agreed, for this purpose, to conclude a treaty of commerce and navigation, and have judged that the said end cannot be better obtained than by taking the most perfect equality and reciprocity for the basis of their agreement; and to effect this, they have named as their respective plenipotentiaries, that is to say:

Contracting parties.

The President of the United States of America, Charles Francis Adams, Envoy Extraordinary and Minister Plenipotentiary of the United States of America at the Court of St. James; and the Republic of Liberia, His Excellency Stephen Allen Benson, President thereof;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

There shall be perpetual peace and friendship between the United States of America and the Republic of Liberia, and also between the citizens of both countries.

ARTICLE II.

There shall be reciprocal freedom of commerce between the United States of America and the Republic of Liberia. The citizens of the United States of America may reside in and trade to any part of the territories of the Republic of Liberia to which any other foreigners are or shall be admitted. They shall enjoy full protection for their persons and properties; they shall be allowed to buy from and to sell to whom they like, without being restrained or prejudiced by any monopoly, contract, or exclusive privilege of sale or purchase whatever; and they shall, moreover, enjoy all other rights and privileges which are or may be granted to any other foreigners, subjects, or citizens of the most favored nation. The citizens of the Republic of Liberia shall, in return, enjoy similar protection and privileges in the United States of America and in their territories.

Reciprocal freedom of commerce.

ARTICLE III.

No tonnage, import, or other duties or charges shall be levied in the Republic of Liberia on United States vessels, or on goods imported or exported in United States vessels, beyond what are or may be levied on national vessels, or on the like goods imported

Duties.

or exported in national vessels; and in like manner no tonnage, import, or other duties or charges shall be levied in the United States of America and their territories on the vessels of the Republic of Liberia, or on goods imported or exported in those vessels, beyond what are or may be levied on national vessels, or on the like goods imported or exported in national vessels.

ARTICLE IV.

Merchandise or goods coming from the United States of America in any vessels, or imported in United States vessels from any country, shall not be prohibited by the Republic of Liberia, nor be subject to higher duties than are levied on the same kinds of merchandise or goods coming from any other foreign country or imported in any other foreign vessels. All articles the produce of the Republic of Liberia may be exported therefrom by citizens of the United States and United States vessels on as favorable terms as by the citizens and vessels of any other foreign country.

In like manner all merchandise or goods coming from the Republic of Liberia in any vessels, or imported in Liberian vessels from any country, shall not be prohibited by the United States of America, nor be subject to higher duties than are levied on the same kinds of merchandise or goods coming from any other foreign country or imported in any other foreign vessels. All articles the produce of the United States, or of their territories, may be imported therefrom by Liberian citizens and Liberian vessels on as favorable terms as by the citizens and vessels of any other foreign country.

ARTICLE V.

Wrecks.

When any vessel of either of the contracting parties shall be wrecked, foundered, or otherwise damaged on the coasts or within the territories of the other, the respective citizens shall receive the greatest possible aid, as well for themselves as for their vessels and effects. All possible aid shall be given to protect their property from being plundered and their persons from ill treatment.

Salvage.

Should a dispute arise as to the salvage, it shall be settled by arbitration, to be chosen by the parties respectively.

ARTICLE VI.

It being the intention of the two contracting parties to bind themselves by the present treaty to treat each other on the footing of the most favored nation, it is hereby agreed between them that any favor, privilege, or immunity whatever in matters of commerce and navigation, which either contracting party has actually granted, or may hereafter grant, to the subjects or citizens of any other State, shall be extended to the citizens of the other contracting party, gratuitously, if the concession in favor of that other State shall have been gratuitous, or in return for a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

ARTICLE VII.

Consuls.

Each contracting party may appoint consuls for the protection of trade, to reside in the dominions of the other; but no such consul shall enter upon the exercise of his functions until he shall have been approved and admitted, in the usual form, by the Government of the country to which he is sent.

ARTICLE VIII.

The United States Government engages never to interfere, unless solicited by the Government of Liberia, in the affairs between the aboriginal inhabitants and the Government of the Republic of Liberia, in the jurisdiction and territories of the Republic. Should any United States citizen suffer loss, in person or property, from violence by the aboriginal inhabitants, and the Government of the Republic of Liberia should not be able to bring the aggressor to justice, the United States Government engages, a requisition having been first made therefor by the Liberian Government, to lend such aid as may be required. Citizens of the United States residing in the territories of the Republic of Liberia are desired to abstain from all such intercourse with the aboriginal inhabitants as will tend to the violation of law and a disturbance of the peace of the country.

ARTICLE IX.

The present treaty shall be ratified, and the ratifications exchanged at London, within the space of nine months from the date hereof. Ratifications.

In testimony whereof the Plenipotentiaries before mentioned have hereto subscribed their names and affixed their seals.

Done at London the twenty-first day of October, in the year one thousand eight hundred and sixty-two.

CHARLES FRANCIS ADAMS. [SEAL.]
STEPHEN ALLEN BENSON. [SEAL.]

MADAGASCAR.

MADAGASCAR, 1867.

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE QUEEN OF MADAGASCAR. CONCLUDED FEBRUARY 14, 1867; RATIFICATIONS EXCHANGED JULY 8, 1868; PROCLAIMED OCTOBER 1, 1868.

Treaty between the Government of the United States of America and of Her Majesty the Queen of Madagascar.

Contracting parties.

Between Rainimaharavo, Chief Secretary of State, 16 vtra., Andriantsitohaina, 16 vtra., Rafaralahibemalo, head of the civilians, on the part of the Government of Her Majesty the Queen of Madagascar, and Major John P. Finkelmeier, the Commercial Agent of the U. S. for Madagascar, on the part of the Government of the U. S. of America, all duly authorized to that effect by their respective Governments, the following articles of a comercial treaty have this day been drawn up and signed by mutual agreement:

I.

Peace and friendship.

Her Majesty Rasoherina Manjaka, Queen of Madagascar, and his Excellency Andrew Johnson, President of the U. S. of America, both desirous, for the good and welfare of their respective countries, to enter into a more close comercial relation and friendship between the subjects of Her Majesty and the people of the U. S., hereby solemnly declare that peace and good friendship shall exist between them and their respective heirs and successors forever without war.

II.

Right of domicile.

The dominions of each contracting party, as well as the right of domicil of their inhabitants, are sacred; and no forcible possession of territory shall ever take place in either of them by the other party, nor any domiciliary visits or forcible entries be made to the houses of either party against the will of the occupants. But whenever it is known for certain, or suspected, that transgressors against the laws of the Kingdom are in certain premises, they may be entered in concert with the U. S. Consul, or, in his absence, by a duly authorized officer, to look after the offender.

Religious worship.

The right of sovereignty shall in all cases be respected in the dominions of one Government by the subjects or citizens of the other. Citizens of the U. S. of America shall, while in Madagascar, enjoy the privilege of free and unmolested exercise of the Christian religion and its customs; new places of worship, however, shall not be builded by them without the permission of the Government.

Rights of persons and property.

They shall enjoy full and complete protection and security for themselves and their property, equally with the subjects of Madagascar; the right to lease or rent land, houses, or store-

houses for a term of months or years mutually agreed upon between the owners and American citizens; build houses and magazines on land leased by them, in accordance with the laws of Madagascar for buildings; hire labourers, not soldiers, and if slaves, not without permission of their masters.

Should the Queen, however, require the services of such labourers, or if they should desire, on their own account, to leave, they shall be at liberty to do so, and be paid up to the time of leaving, on giving previous notice.

Contracts for renting or leasing land or houses or hiring labourers may be executed by deeds signed before the U. S. Consul and the local authorities. They also shall be permitted to trade or pass with their merchandise through all parts of Madagascar which are under the controle of a Governor, duly appointed by Her Majesty, with the exception of Ambohimanga, Ambohimanambola, and Amparafaravato, which places foreigners are not permitted to enter, and, in fact, be entitled to all privileges of comerce granted to other favoured nations.

Contracts.

Trade.

The subjects of Her Majesty the Queen of Madagascar shall enjoy the same privileges in the U. S. of America.

III.

Comerce between the people of America and Madagascar shall be perfectly free, with all the privileges under which the most favoured nations are now or may hereafter be trading. Citizens of America shall, however, pay a duty, not exceeding ten per cent. on both exports and imports in Madagascar, to be regulated by a tariff mutually agreed upon, with the following exceptions: Munition of war, to be imported only by the Queen of Madagascar into her dominions, or by her order. Prohibited from export by the laws of Madagascar are munition of war, timber, and cows. No other duties, such as tonnage, pilotage, quarantine, light-house dues, shall be imposed in ports of either country on the vessels of the other to which national vessels or vessels of the most favoured nations shall not equally be liable.

Tariff.

Ports of Madagascar, where there is no military station under the controle of a Governor, must not be entered by U. S. vessels.

Ports.

IV.

Each contracting party may appoint consuls, to reside in the dominions of each other, who shall enjoy all privileges granted to consuls of the most favoured nations, to be witness of the good relationship existing between both nations and to regulate and protect commerce.

Consuls.

V.

Citizens of the U. S. who enter Madagascar, and subjects of Her Majesty the Queen of Madagascar, while sojourning in America, are subject to the laws of trade and comerce in the respective countries. In regard to civil rights, however, whether of person or property, of American citizens, or in cases of criminal offences, they shall be under the exclusive civil and criminal jurisdiction of their own consul only, duly invested with the necessary powers.

Rights of citizens.

But should any American citizen be guilty of a serious criminal offence against the laws of Madagascar, he shall be liable to banishment from the country.

Disputes.

All disputes and differences arising within the dominions of Her Majesty between citizens of the U. S. and subjects of Madagascar shall be decided before the U S. Consul and an officer duly authorized by Her Majesty's Government, who shall afford mutual assistance and every facility to each other in recovering debts.

VI.

Vessels.

No American vessel shall have communication with the shore before receiving pratique from the local authorities of Madagascar, nor shall any subject of Her Majesty the Queen be permitted to embark on board an American vessel without a passport from Her Majesty's Government.

Deserters.

In cases of mutiny or desertion, the local authorities shall, on application, render all necessary assistance to the American Consul to bring back the deserters and to re-establish discipline, if possible, among the crew of a merchant-vessel.

VII.

Shipwreck.

In case of a shipwreck of an American vessel on the coast of Madagascar, or if any such vessel should be attaked or plundered in the waters of Madagascar adjacent to any military station, Her Majesty engages to order the Governor to grant every assistance in his power to secure the property and to restore it to the owner or to the U. S. Consul, if this be not impossible.

VIII.

Ratifications.

The above articles of treaty, made in good faith, shall be submitted to both the Government of the U. S. of America and Her Majesty the Queen of Madagascar for ratification, and such ratifications be exchanged within six months from date of ratification, at Antananarivo.

Should it, at any future time, seem desirable, in the interest of either of the contracting parties, to alter or add to the present treaty, such alterations or additions shall be effected with the consent of both parties.

Duplicate originals of this treaty, with corresponding text in the English and Malagasy languages, which shall be both of equal authority, have been signed and sealed at Antananarivo this day.

SUPLEMENTARY ARTICLE TO § II.

Supplementary article.

P. S.—Should there be any business of the Queen requiring the services of such labourers, they shall be permitted to leave without giving previous notice. The sentence in Article II, stating that previous notice must be given, refers only to labourers leaving on their own account.

J. P. FINKELMEIER, *U. S. C. A.* [SEAL.]
RAINIMAHARAVO, [SEAL.]
Chief Secretary of State, 16 *vtra.*
ANDRIANTSITOHAINA, 16 *vtra.*
RAFARALAHIBEMALO,
Loholona Chibe amy ny Brz.

ANTANANARIVO, 14*th February*, 1867.

MECKLENBURG-SCHWERIN.

MECKLENBURG-SCHWERIN, 1847.

DECLARATION OF ACCESSION OF THE GRAND DUCHY OF MECKLENBURG-SCHWERIN TO THE TREATY WITH HANOVER OF 10TH JUNE, 1846. SIGNED AND EXCHANGED DECEMBER 9, 1847; PROCLAIMED AUGUST 2, 1848.

[NOTE.—Mecklenburg-Schwerin was incorporated a State in the North German Union by the constitution of the latter, July 1, 1867.]

DECLARATION.

Whereas a treaty of commerce and navigation between the United States of America and His Majesty the King of Hanover was concluded at Hanover on the tenth day of June, one thousand eight hundred and forty-six, by the Plenipotentiaries of the contracting parties, and was subsequently duly ratified on the part of both Governments;

And whereas, by the terms of the twelfth article of the same, the United States agree to extend all the advantages and privileges contained in the stipulations of the said treaty to one or more of the other States of the Germanic Confederation which may wish to accede to them by means of an official exchange of declarations, provided that such State or States shall confer similar favors upon the United States to those conferred by the Kingdom of Hanover, and observe and be subject to the same conditions, stipulations, and obligations;

And whereas the Government of His Royal Highness the Grand Duke of Mecklenburg-Schwerin has signified its desire to accede to the said treaty, and to all the stipulations and provisions therein contained, as far as the same are or may be applicable to the two countries, and to become a party thereto, and has expressed its readiness to confer similar favours upon the United States as an equivalent in all respects to those conferred by the Kingdom of Hanover;

And whereas the Government of the Grand Duchy of Mecklenburg-Schwerin, in its anxiety to avoid the possibility of a misconception hereafter of the nature and extent of the favours differing essentially from those of Hanover, which it consents to bestow upon the United States, as well as for its own faithful observance of all the provisions of the said treaty, wishes the stipulations, conditions, and obligations imposed upon it, as also those which rest upon the United States, as explicitly stated, word for word, in the English and German languages, as contained in the following articles:

ARTICLE I.

The high contracting parties agree that whatever kind of produce, manufacture, or merchandise of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may also be imported in the vessels of the Grand Duchy of Mecklenburg-Schwerin, and no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in a vessel of the United States or in a vessel of Mecklenburg-Schwerin.

Vessels of both parties placed on the same footing.

And, in like manner, whatever kind of produce, manufacture, or merchandise of any foreign country can be, from time to time, lawfully imported into the Grand Duchy of Mecklenburg-Schwerin in its own vessels, may also be imported in vessels of the United States; and no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in vessels of the one party or the other.

Whatever may be lawfully exported or re-exported by one party in its own vessels to any foreign country may in like manner be exported or re-exported in the vessels of the other; and the same duties, bounties, and drawbacks shall be collected and allowed, whether such exportation or re-exportation be made in vessels of the one party or the other.

Port charges.

Nor shall higher or other charges of any kind be imposed in the ports of one party on vessels of the other than are or shall be payable in the same ports by national vessels.

ARTICLE II.

Coasting trade.

The preceding article is not applicable to the coasting trade and navigation of the high contracting parties, which are respectively reserved by each exclusively to its own subjects or citizens.

ARTICLE III.

Priority or preference.

No priority or preference shall be given by either of the contracting parties, nor by any company, corporation, or agent acting on their behalf or under their authority, in the purchase of any article of commerce lawfully imported on account of or in reference to the national character of the vessel, whether it be of the one party or of the other in which such article was imported.

ARTICLE IV.

Wrecks.

The ancient and barbarous right to wrecks of the sea shall remain entirely abolished with respect to the property belonging to the subjects or citizens of the high contracting parties.

When any vessel of either party shall be wrecked, stranded, or otherwise damaged on the coasts or within the dominions of the other, their respective citizens or subjects shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the accident happens.

Salvage.

They shall be liable to pay the same charges and dues of salvage as the said inhabitants would be liable to pay in a like case.

Repairs of vessels.

If the operations of repair shall require that the whole or any part of the cargo be unloaded, they shall pay no duties of custom, charges, or fees on the part which they shall reload and carry away, except such as are payable in the like case by national vessels.

It is nevertheless understood that if, whilst the vessel is under repair, the cargo shall be unladen, and kept in a place of deposit destined to receive goods, the duties on which have not been paid, the cargo shall be liable to the charges and fees lawfully due to the keepers of such warehouse.

ARTICLE V.

The privileges secured by the present treaty to the respective vessels of the high contracting parties shall only extend to such as are built within their respective territories, or lawfully condemned as prizes of war, or adjudged to be forfeited for a breach of the municipal laws of either of the high contracting parties, and belonging wholly to their subjects or citizens.

What vessels the privileges of this treaty extend to.

It is further stipulated that vessels of the Grand Duchy of Mecklenburg-Schwerin may select their crews from any of the States of the Germanic Confederation, provided that the master of each be a subject of the Grand Duchy of Mecklenburg-Schwerin.

Crews.

ARTICLE VI.

No higher or other duties shall be imposed on the importation into the United States of any articles the growth, produce, or manufacture of the Grand Duchy of Mecklenburg-Schwerin or of its fisheries, and no higher or other duties shall be imposed on the importation into the Grand Duchy of Mecklenburg-Schwerin of any articles the growth, produce, and manufacture of the United States and of their fisheries, than are or shall be payable on the like articles being the growth, produce, or manufacture of any other foreign country or of its fisheries.

Duties.

No higher or other duties and charges shall be imposed in the United States on the exportation of any articles to the Grand Duchy of Mecklenburg-Schwerin, or in Mecklenburg-Schwerin on the exportation of any articles to the United States, than such as are or shall be payable on the exportation of the like articles to any other foreign country.

No prohibition shall be imposed on the importation or exportation of any articles the growth, produce, or manufacture of the Grand Duchy of Mecklenburg-Schwerin or of its fisheries, or of the United States or their fisheries, from or to the ports of said Grand Duchy, or of the said United States, which shall not equally extend to all other Powers and States.

ARTICLE VII.

The high contracting parties engage mutually not to grant any particular favour to other nations in respect of navigation and duties of customs, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing a compensation as near as possible, if the concession was conditional.

Favors to be common.

ARTICLE VIII.

In order to augment by all the means at its bestowal the commercial relations between the United States and Germany, the Grand Duchy of Mecklenburg-Schwerin agrees, subject to the reservation in article eleventh, to abolish the import duty on raw cotton and paddy, or rice in the husk, the produce of the United States; to levy no higher import duty upon leaves, stems, or strips of tobacco, imported in hogsheads or casks, than one thaler and two schillings for one hundred pounds, Hamburg weight, (equal to seventy cents United States currency and weight;) to lay no higher import duty upon rice imported in tierces or half tierces

Duty on raw cotton and rice in the husk.

Import duty on leaves, &c.

than twenty-five schillings for one hundred pounds, Hamburg weight, (equal to thirty-seven and a half cents United States currency and weight;) to lay no higher duty upon whale-oil, imported in casks or barrels, than twelve and a half schillings per hundred pounds, Hamburg weight, (equal to eighteen and three-quarters cents United States currency and weight.)

Transit duty.

The Grand Duchy of Mecklenburg-Schwerin further agrees to levy no higher transit duty on the aforementioned articles in their movement on the Berlin-Hamburg railroad than two schillings per hundred pounds, Hamburg weight, (equal to three cents United States currency and weight,) and to levy no transit duty on the above-mentioned articles when conveyed through the ports of the country.

It is understood, however, that nothing herein contained shall prohibit the levying of a duty sufficient for control, which in no instance shall exceed on the two articles imported duty-free or those on transit one schilling per hundred pounds, Hamburg weight, (equal to one cent and a half United States currency and weight.)

ARTICLE IX.

Consuls, Vice-Consuls, &c.

The high contracting parties grant to each other the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Commercial Agents, and Vice-Commercial Agents of their own appointment, who shall enjoy the same privileges and powers as those of the most favoured nations; but if any of the said Consuls shall carry on trade, they shall be subjected to the same laws and usages to which private individuals of their nation are subjected in the same place.

Said Consuls, &c., to have the right to sit as judges or arbitrators in such differences as may arise between the masters and crews of vessels.

The Consuls, Vice-Consuls, Commercial and Vice-Commercial Agents shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessel belonging to the nation whose interests are committed to their charge without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country or the said Consuls, Vice-Consuls, Commercial Agents, or Vice-Commercial agents should require their assistance to cause their decisions to be carried into effect or supported.

It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

Deserters.

The said Consuls, Vice-Consuls, Commercial Agents, and Vice-Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest, and emprisonment of the deserters from the ships of war and merchant-vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving, by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and on this claim being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, Commercial Agents, or Vice-Commercial Agents, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong or to others of the same country. But if not sent back

within three months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserter shall be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be pending shall have pronounced its sentence and such sentence shall have been carried into effect.

ARTICLE X.

The subjects and citizens of the high contracting parties shall be permitted to sojourn and reside in all parts whatsoever of the said territories, in order to attend to their affairs, and also to hire and occupy houses and warehouses for the purpose of their commerce, provided they submit to the laws, as well general as special, relative to the right of residing and trading.

The subjects and citizens of either party to have liberty to reside in the territories of the other.

Whilst they conform to the laws and regulations in force, they shall be at liberty to manage, themselves, their own business in all the territories subject to the jurisdiction of each party, as well in respect to the consignment and sale of their goods, by wholesale or retail, as with respect to the loading, unloading, and sending off their ships, or to employ such agents and brokers as they may deem proper, they being in all these cases to be treated as the citizens or subjects of the country in which they reside; it being nevertheless understood that they shall remain subject to the said laws and regulations also in respect to sales by wholesale or retail.

They shall have free access to the tribunals of justice in their litigious affairs on the same terms which are granted by the law and usage of country to native citizens or subjects, for which purpose they may employ, in defence of their rights, such advocates, attorneys, and other agents as they may judge proper.

The citizens or subjects of each party shall have power to dispose of their personal property within the jurisdiction of the other by sale, donation, testament, or otherwise.

Their personal representatives, being citizens or subjects of the other contracting party, shall succeed to their said personal property, whether by testament or ab intestato. They may take possession thereof, either by themselves or by others acting for them, at their will, and dispose of the same, paying such duty only as the inhabitants of the country wherein the said personal property is situated shall be subject to pay in like cases. In case of the absence of the personal representatives, the same care shall be taken of the said property as would be taken of a property of a native in like case, until the lawful owner may take measures for receiving it.

Property of absent heirs.

If any question should arise among several claimants to which of them the said property belongs, the same shall be finally decided by the laws and judges of the country wherein it is situated.

Where, on the decease of any person holding real estate within the territories of one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all duties of detraction on the part of the Government of the respective States.

Heirs of real estate.

The capitals and effects which the citizens or subjects of the respective parties, in changing their residence, shall be desirous of removing from the place of their domicil, shall likewise be exempt from

all duties of detraction or emigration on the part of their respective Governments.

ARTICLE XI.

Duration of treaty.

The present treaty shall continue in force until the tenth of June, one thousand eight hundred and fifty-eight, and further until the end of twelve months after the Government of Mecklenburg-Schwerin on the one part, or that of the United States on the other part, shall have given notice of its intention of terminating the same, but upon the condition hereby expressly stipulated and agreed, that if the Grand Duchy of Mecklenburg-Schwerin shall deem it expedient, or find it cumpulsory, during the said term, to levy a duty on paddy, or rice in the husk, or augment the duties upon leaves, strips, or stems of tobacco, on whale-oil and rice, mentioned in Article VIII (eight) of the present treaty, the Government of Mecklenburg-Schwerin shall give notice of one year to the Government of the United States before proceeding to do so; and, at the expiration of that year, or any time subsequently, the Government of the United States shall have full power and right to abrogate the present treaty, by giving a previous notice of six months to the Government of Mecklenburg-Schwerin, or to continue it (at its option) in full force, until the operation thereof shall have been arrested in the manner first specified in the present article.

Now, therefore, the undersigned, L. de Lutzow, President of the Privy Council and First Minister of His Royal Highness, on the part of Mecklenburg-Schwerin, and A. Dudley Mann, Special Agent, on the part of the United States, invested with full powers to this effect, found in good and due form, have this day signed in triplicate, and have exchanged this declaration. The effect of this agreement is hereby declared to be to establish the aforesaid treaty between the high parties to this declaration as fully and perfectly, to all intents and purposes, as if all the provisions therein contained, in the manner as they are above explicitly stated, had been agreed to in a separate treaty, concluded and ratified between them in the ordinary form.

In witness whereof the above-named Plenipotentiaries have hereto affixed their names and seals.

Done at Schwerin this 9th (ninth) day of December, 1847.

A. DUDLEY MANN. [L. S.]
L. OF LUTZOW. [L. S.]

MECKLENBURG-SCHWERIN, 1853.

DATE, NOVEMBER 26, 1853; PROCLAIMED JANUARY 6, 1854.

[On the 26th of November, 1853, the Government of his Royal Highness the Grand Duke of Mecklenburg-Schwerin formally declared its accession to the convention of the 16th of June, 1852, between the United States and Prussia and other States of the Germanic Confederation, for the mutual delivery of criminals fugitives from justice in certain cases, and to the additional article thereto, between the same parties, of the 16th of November, 1852.]

MECKLENBURG-STRELITZ.

MECKLENBURG-STRELITZ, 1853.

DATE, DECEMBER 2, 1853; PROCLAIMED JANUARY 26, 1854.

[On the 2d of December, 1853, the Government of his Royal Highness the Grand Duke of Mecklenburg-Strelitz formally declared its accession to the convention of the 16th of June, 1852, between the United States and Prussia and other States of the Germanic Confederation, for the mutual delivery of criminals fugitives from justice in certain cases.]

MEXICO.

MEXICO, 1828.

TREATY OF LIMITS BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES. CONCLUDED JANUARY 12, 1828; RATIFICATIONS EXCHANGED APRIL 5, 1832; PROCLAIMED APRIL 5, 1832.

The limits of the United States of America with the bordering territories of Mexico having been fixed and designated by a solemn treaty, concluded and signed at Washington on the twenty-second day of February, in the year of our Lord one thousand eight hundred and nineteen, between the respective Plenipotentiaries of the Government of the United States of America on the one part, and of that of Spain on the other; and whereas the said treaty having been sanctioned at a period when Mexico constituted a part of the Spanish monarchy, it is deemed necessary now to confirm the validity of the aforesaid treaty of limits, regarding it as still in force and binding between the United States of America and the United Mexican States:

With this intention, the President of the United States of America has appointed Joel Roberts Poinsett their Plenipotentiary, and the President of the United Mexican States their Excellencies Sebastian Camacho and José Ygnacio Esteva;

And the said Plenipotentiaries, having exchanged their full powers, have agreed upon and concluded the following articles:

ARTICLE I.

Boundary.

The dividing limits of the respective bordering territories of the United States of America and of the United Mexican States being the same as were agreed and fixed upon by the above-mentioned treaty of Washington, concluded and signed on the twenty-second day of February, in the year one thousand eight hundred and nineteen, the two high contracting parties will proceed forthwith to carry into full effect the third and fourth articles of said treaty, which are herein recited, as follows:

ARTICLE II.

The boundary line between the two countries west of the Mississippi shall begin on the Gulf of Mexico, at the mouth of the river Sabine, in the sea, continuing north along the western bank of that river to the thirty-second degree of latitude; thence by a line due north to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or Red River; then following the course of the Rio Roxo westward to the degree of longitude one hundred west from London and twenty-three from Washington; then crossing the said Red River, and running thence by a line due north to the river Arkansas; thence, following the course of the southern bank of the Arkansas, to its source, in latitude forty-two north; and thence, by that parallel of latitude, to the South Sea: the whole

being as laid down in Melish's map of the United States, published at Philadelphia, improved to the first of January, one thousand eight hundred eighteen. But if the source of the Arkansas River shall be found to fall north or south of latitude forty-two, then the line shall run from the said source due south or north, as the case may be, till it meets the said parallel of latitude forty-two, and thence, along the said parallel, to the South Sea, all the islands in the Sabine, and the said Red and Arkansas Rivers, throughout the course thus described, to belong to the United States of America; but the use of the waters and the navigation of the Sabine to the sea, and of the said rivers Roxo and Arkansas, throughout the extent of the said boundary on their respective banks, shall be common to the respective inhabitants of both nations.

Islands in the Sabine, &c.

The two high contracting parties agree to cede and renounce all their rights, claims, and pretensions to the territories described by the said line; that is to say, the United States hereby cede to His Catholic Majesty, and renounce forever, all their rights, claims, and pretensions to the territories lying west and south of the above-described line; and, in like manner, His Catholic Majesty cedes to the said United States all his rights, claims, and pretensions to any territories east and north of the said line; and, for himself, his heirs, and successors, renounces all claim to the said territories forever.

ARTICLE III.

To fix this line with more precision and to place the landmarks which shall designate exactly the limits of both nations, each of the contracting parties shall appoint a commissioner and a surveyor, who shall meet before the termination of one year from the date of the ratification of this treaty, at Natchitoches, on the Red River, and proceed to run and mark the said line, from the mouth of the Sabine to the Red River, and from the Red River to the river Arkansas, and to ascertain the latitude of the source of the said river Arkansas, in conformity to what is above agreed upon and stipulated, and the line of latitude forty-two to the South Sea. They shall make out plans and keep journals of their proceedings; and the result agreed upon by them shall be considered as part of this treaty, and shall have the same force as if it were inserted therein. The two Governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary.

Commissioners.

ARTICLE IV.

The present treaty shall be ratified, and the ratifications shall be exchanged at Washington, within the term of four months, or sooner if possible.

Ratifications.

In witness whereof we, the respective Plenipotentiaries, have signed the same and have hereunto affixed our respective seals.

Done at Mexico this twelfth day of January, in the year of our Lord one thousand eight hundred and twenty-eight, in the fifty-second year of the Independence of the United States of America, and in the eighth of that of the United Mexican States.

J. R. POINSETT. [L. S.]
S. CAMACHO. [L. S.]
J. Y. ESTEVA. [L. S.]

ADDITIONAL ARTICLE TO THE TREATY OF LIMITS CONCLUDED BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES ON THE 12TH DAY OF JANUARY, 1828. CONCLUDED APRIL 5, 1831.

Treaty of January 12, 1828.

The time having elapsed which was stipulated for the exchange of ratifications of the treaty of limits between the United States of America and the United Mexican States, signed in Mexico on the twelfth day of January, one thousand eight hundred and twenty-eight, and both Republics being desirous that it should be carried into full and complete effect, with all due solemnity, the President of the United States of America has fully empowered, on his part, Anthony Butler, a citizen thereof, and Chargé d'Affaires of the said States in Mexico; and the Vice-President of the United Mexican States, acting as President thereof, has, in like manner, fully empowered, on his part, their Excellencies Lucas Alaman, Secretary of State and Foreign Relations, and Rafael Mangino, Secretary of the Treasury;

Who, after having exchanged their mutual powers, found to be ample and in form, have agreed, and do hereby agree, on the following article:

Ratifications.

The ratifications of the treaty of limits concluded on the twelfth of January, one thousand eight hundred and twenty-eight, shall be exchanged at the city of Washington within the term of one year, counting from the date of this agreement, and sooner should it be possible.

The present additional article shall have the same force and effect as if it had been inserted, word for word, in the aforesaid treaty of the twelfth of January, one thousand eight hundred and twenty-eight, and shall be approved and ratified in the manner prescribed by the Constitutions of the respective States.

In faith of which the said Plenipotentiaries have hereunto set their hands and affixed their respective seals. Done in Mexico, the fifth of April of the year one thousand eight hundred and thirty-one, the fifty-fifth of the Independence of the United States of America, and the eleventh of that of the United Mexican States.

A. BUTLER. [L. S.]
LUCAS ALAMAN. [L. S.]
RAFAEL MANGINO. [L. S.]

[The operation of this treaty was suspended by war between the parties in 1846–'47, and was revived, with some exceptions, by Article XVII of the treaty of February 2, 1848, *post.*]

MEXICO, 1831.

A TREATY OF AMITY, COMMERCE, AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES. CONCLUDED APRIL 5, 1831; RATIFICATIONS EXCHANGED APRIL 5, 1832; PROCLAIMED APRIL 5, 1832.

The United States of America and the United Mexican States, desiring to establish upon a firm basis the relations of friendship that so happily subsist between the two Republics, have determined to fix in a clear and positive manner the rules which shall in future be religiously observed between both, by means of a treaty of amity, commerce, and navigation. For which important object the President of the United

States of America has appointed Anthony Butler, a citizen of the United States and Chargé d'Affaires of the United States of America near the United Mexican States, with full powers; and the Vice-President of the United Mexican States, in the exercise of the executive power, having conferred like full powers on His Excellency Lucas Alaman, Secretary of State for Home and Foreign Affairs, and His Excellency Rafael Mangino, Secretary of the Treasury;

And the aforesaid Plenipotentiaries, after having compared and exchanged in due form their several powers as aforesaid, have agreed upon the following articles:

ARTICLE I.

There shall be a firm, inviolable, and universal peace and a true and sincere friendship between the United States of America and the United Mexican States in all the extent of their possessions and territories, and between their people and citizens respectively, without distinction of persons or places.

Peace and friendship.

ARTICLE II.

The United States of America and the United Mexican States, designing to take for the basis of their agreement the most perfect equality and reciprocity, engage mutually not to grant any particular favor to other nations in respect of commerce and navigation which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or upon the same conditions, if the concession was conditional.

Most favored nations.

ARTICLE III.

The citizens of the two countries, respectively, shall have liberty, freely and securely, to come with their vessels and cargoes to all such places, ports, and rivers of the United States of America and of the United Mexican States, to which other foreigners are permitted to come; to enter into the same, and to remain and reside in any part of the said territories respectively; also, to hire and occupy houses and warehouses for the purposes of their commerce, and to trade therein in all sorts of produce, manufactures, and merchandise; and, generally, the merchants and traders of each nation shall enjoy the most complete protection and security for their commerce.

Entry into ports.

And they shall not pay higher or other duties, imposts, or fees whatsoever, than those which the most favored nations are or may be obliged to pay; and shall enjoy all the rights, privileges, and exemptions, with respect to navigation and commerce, which the citizens of the most favored nation do or may enjoy; but subject always to the laws, usages, and statutes of the two countries respectively.

The liberty to enter and discharge the vessels of both nations of which this article treats shall not be understood to authorize the coasting trade, which is permitted to national vessels only.

Coasting trade.

ARTICLE IV.

No higher or other duties shall be imposed on the importation into the United Mexican States of any article, the produce, growth, or manufacture of the United States of America, than those

Duties.

which the same or like articles, the produce, growth, or manufacture of any other foreign country do now or may hereafter pay; nor shall articles, the produce, growth, or manufacture of the United Mexican States, be subject, on their introduction into the United States of America, to higher or other duties than those which the same or like articles of any other foreign country do now or may hereafter pay.

Export duties and prohibitions.

Higher duties shall not be imposed in the respective States on the exportation of any article to the States of the other contracting party, than those which are now or may hereafter be paid on the exportation of the like articles to any other foreign country; nor shall any prohibition be established on the exportation or importation of any article, the produce, growth, or manufacture of the United States of America, or of the United Mexican States, respectively, in either of them, which shall not in like manner be established with respect to other foreign countries.

ARTICLE V.

Tonnage duties, &c.

No higher or other duties or charges on account of tonnage, light or harbour dues, pilotage, salvage in case of damage or shipwreck, or any other local charges, shall be imposed in any of the ports of Mexico on vessels of the United States of America than those payable in the same ports by Mexican vessels; nor in the ports of the United States of America on Mexican vessels than shall be payable in the same ports on vessels of the United States of America.

ARTICLE VI.

Duties.

The same duties shall be paid on the importation into the United Mexican States, of any article, the growth, produce, or manufacture of the United States of America, whether such importation shall be in Mexican vessels or in vessels of the United States of America; and the same duties shall be paid on the importation into the United States of America of any article, the growth, produce, or manufacture of Mexico, whether such importation shall be in vessels of the United States of America or in Mexican vessels. The same duties shall be paid and the same bounties and drawbacks allowed on the exportation to Mexico of any articles, the growth, produce, or manufacture of the United States of America, whether such exportation shall be in Mexican vessels or in vessels of the United States of America, and the same duties shall be paid and the same bounties and drawbacks allowed on the exportation of any articles, the growth, produce, or manufacture of Mexico to the United States of America, whether such exportation shall be in vessels of the United States of America or in Mexican vessels.

ARTICLE VII.

Footing of merchants, &c.

All merchants, captains, or commanders of vessels, and other citizens of the United States of America, shall have full liberty in the United Mexican States to direct or manage themselves their own affairs, or to commit them to the management of whomsoever they may think proper, either as broker, factor, agent, or interpreter; nor shall they be obliged to employ for the aforesaid purposes any other persons than those employed by Mexicans, nor to pay them higher salaries or remuneration than such as are in like cases paid by Mexicans;

and absolute freedom shall be allowed in all cases to the buyer and seller to bargain and fix the prices of any goods, wares, or merchandise imported into, or exported from, the United Mexican States, as they may think proper; observing the laws, usages, and customs of the country. The citizens of Mexico shall enjoy the same privileges in the States and Territories of the United States of America, being subject to the same conditions.

ARTICLE VIII.

The citizens of neither of the contracting parties shall be liable to any embargo; nor shall their vessels, cargoes, merchandise, or effects, be detained for any military expedition, nor for any public or private purpose whatsoever, without corresponding compensation.

Embargo, detention.

ARTICLE IX.

The citizens of both countries, respectively, shall be exempt from compulsory service in the army or navy; nor shall they be subjected to any other charges, or contributions, or taxes, than such as are paid by the citizens of the States in which they reside.

Citizens exempted from service, &c.

ARTICLE X.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, with the precautions which may be deemed expedient on the part of the respective Governments in order to avoid fraud, giving to them all favor and protection for repairing their vessels, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

Citizens seeking refuge in the harbors, &c.

ARTICLE XI.

All vessels, merchandise, or effects, belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction, or on the high seas, and may be carried into or found in the rivers, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving, in due and proper form, their rights before the competent tribunal; it being well understood that the claim shall be made within the term of one year, counting from the capture of said vessels or merchandise, by the parties themselves, or their attorneys, or by the agents of the respective Governments.

Delivery of vessels, &c., captured by pirates.

ARTICLE XII.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts or within the dominions of the other, there shall be given to it all the assistance and protection in the same manner which is usual and customary with the vessels of the nation where the damage happens; permitting them to unload the said vessel,

Shipwrecks, &c.

if necessary, of its merchandise and effects, with the precautions which may be deemed expedient on the part of the respective Governments, in order to avoid fraud, without exacting for it any duty, impost, or contribution whatever, until they be exported.

ARTICLE XIII.

Succession to personal estate.

In whatever relates to the succession of [personal] estates, either by will or ab intestato [and the rights of] disposal of such property, of whatever sort or denomination it may be, by sale, donation, exchange, or testament, or in in any other manner whatsoever, the citizens of the two contracting parties shall enjoy, in their respective States and territories, the same privileges, exemptions, liberties, and rights, as native citizens; and shall not be charged, in any of these respects, with other or higher duties or imposts than those which are now or may hereafter be paid by the citizens of the Power in whose territories they may reside.

ARTICLE XIV.

Persons and property to be protected.

Both the contracting parties promise and engage to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in their territories, subject to the jurisdiction of the one or of the other, transient or dwelling therein; leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law; and the citizens of either party, or their agents, shall enjoy, in every respect, the same rights and privileges, either in prosecuting or defending their rights of person or of property, as the citizens of the country where the cause may be tried.

ARTICLE XV.

Security as to religion.

The citizens of the United States of America residing in the United Mexican States shall enjoy in their houses, persons, and properties the protection of the Government, with the most perfect security and liberty of conscience; they shall not be disturbed or molested, in any manner, on account of their religion, so long as they respect the Constitution, the laws, and established usages of the country where they reside; and they shall also enjoy the privilege of burying the dead in places which now are, or may hereafter be assigned for that purpose; nor shall the funerals or sepulchres of the dead be disturbed in any manner, nor under any pretext.

The citizens of the United Mexican States shall enjoy, throughout all the States and Territories of the United States of America, the same protection; and shall be allowed the free exercise of their religion, in public or in private, either within their own houses, or in the chapels or places of worship set apart for that purpose.

ARTICLE XVI.

Security to vessels sailing to and from an enemy's port.

It shall be lawful for the citizens of the United States of America and of the United Mexican States, respectively, to sail with their vessels with all manner of security and liberty, no distinction being made who are the owners of the merchandise

laden thereon, from any port to the places of those who now are or may hereafter be at enmity with the United States of America, or with the United Mexican States. It shall likewise be lawful for the aforesaid citizens respectively to sail with their vessels and merchandise, before mentioned, and to trade with the same liberty and security from the places, ports, and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy, before mentioned, to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of the same Government or under several; and it is hereby stipulated that free ships shall also give freedom to goods; and that everything shall be deemed free and exempt which shall be found on board the vessels belonging to the citizens of either of the contracting parties, although the whole lading or any part thereof should appertain to the enemies of either, contraband goods being always excepted. It is also agreed that the same liberty be extended to persons who are on board a free vessel, so that, although they be enemies to either party, they shall not be made prisoners, or taken out of that free vessel, unless they are soldiers, and in the actual service of the enemy. By the stipulation that the flag shall cover the property, the two contracting parties agree that this shall be so understood with respect to those Powers who recognize this principle; but if either of the two contracting parties shall be at war with a third party, and the other neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not of others.

Free ships, free goods and persons.

Article XVII.

It is likewise agreed that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemies' vessels shall be held and considered as enemies' property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree that four months having elapsed after the declaration, their citizens shall not plead ignorance thereof; on the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandises embarked in such enemy's vessel shall be free.

Where neutral flag protects enemy's property, &c.

Article XVIII.

This liberty of commerce and navigation shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended: first, cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberts, and granades, bombs, powder, matches, balls, and all other things belonging to the use of these arms; secondly, bucklers, helmets, breast-plates, coats of mail, infantry belts, and clothes made up in a military form, and for a military use; thirdly, cavalry belts and horses with their furniture; fourthly, and generally, all kinds of arms, and instruments of iron, steel,

Contraband

brass, and copper, or of any other materials, manufactured, prepared, and formed expressly to make war by sea or land.

ARTICLE XIX.

Blockade.

All other merchandise and things not comprehended in the articles of contraband expressly enumerated and classified as above, shall be held and considered as free and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in that particular, it is declared that those places only are besieged or blockaded which are actually besieged or blockaded by a belligerent force capable of preventing the entry of the neutral.

ARTICLE XX.

Contraband liable to confiscation.

The articles of contraband before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the vessel, that the owners may dispose of them as they see proper. No vessels of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk that they cannot be received on board the capturing vessel without great inconvenience; but in this, and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment, according to law.

ARTICLE XXI.

Notice of blockade.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so situated may be turned away from such port or place, but shall not be detained; nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from the commanding officer of the blockading force, she should again attempt to enter the aforesaid port; but she shall be permitted to go to any other port or place she may think proper. Nor shall any vessel of either of the contracting parties that may have entered into such port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo; nor if found therein after the surrender shall such vessel or her cargo be liable to confiscation, but she shall be restored to the owner thereof.

Free egress.

ARTICLE XXII.

Examination of vessels at sea.

In order to prevent all kinds of disorder in the visiting and examination of the vessels and cargoes of both the contracting parties on the high seas, they have agreed, mutually, that, whenever a vessel of war, public or private, should meet with a neutral vessel of the other contracting party, the first shall remain out of cannon shot, and may send his boat, with two or three men only, in

order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill treatment, for which the commanders of the said armed vessels shall be responsible with their persons and property; and for this purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed, that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other purpose whatsoever.

ARTICLE XXIII.

Sea-letters, &c.

To avoid all kinds of vexation and abuse in the examination of the papers relating to the ownership of vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree, that in case one of them should be engaged in war, the vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property, and bulk of the vessel, and also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the said vessel really and truly belongs to the citizens of one of the contracting parties; they have likewise agreed that such vessels being laden, besides the said sea-letters or passports, shall also be provided with certificates containing the several particulars of the cargo and the place whence the vessel sailed, so that it may be known whether any forbidden or contraband goods be on board the same, which certificate shall be made out by the officers of the place whence the vessel sailed, in the accustomed form; without which requisites the said vessel may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be satisfied or supplied by testimony entirely equivalent to the satisfaction of the competent tribunal.

ARTICLE XXIV.

Vessels under convoy.

It is further agreed, that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels are under convoy, the verbal declaration of the commander of the convoy, or his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and when they are bound to an enemy's port that they have no contraband goods on board, shall be sufficient.

ARTICLE XXV.

Prize courts.

It is further agreed, that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either party shall pronounce judgment against any vessel, or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reason or motives on which the same shall have been founded; and an authenticated copy of the sentence or decree, in conformity with the laws and usages of the country, and of all the proceedings of the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

ARTICLE XXVI.

In the event of war between the parties.

For the greater security of the intercourse between the citizens of the United States of America and of the United Mexican States, it is agreed, now for then, that if there should be at any time hereafter an interruption of the friendly relations which now exist, or a war unhappily break out between the two contracting parties, there shall be allowed the term of six months to the merchants residing on the coast, and one year to those residing in the interior of the States and territories of each other respectively, to arrange their business, dispose of their effects, or transport them wheresoever they may please, giving them a safe-conduct to protect them to the port they may designate. Those citizens who may be established in the States and territories aforesaid, exercising any other occupation or trade, shall be permitted to remain in the uninterrupted enjoyment of their liberty and property, so long as they conduct themselves peaceably, and do not commit any offence against the laws; and their goods and effects, of whatever class and condition they may be, shall not be subject to any embargo or sequestration whatever, nor to any charge nor tax other than may be established upon similar goods and effects belonging to the citizens of the State in which they reside respectively; nor shall the debts between individuals, nor moneys in the public funds, or in public or private banks, nor shares in companies, be confiscated, embargoed, or detained.

ARTICLE XXVII.

Ministers and public agents.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed and do agree to grant to Envoys, Ministers, and other public agents, the same favors, immunities, and exemptions which those of the most favored nation do or may enjoy; it being understood that whatever favors, immunities, or privileges the United States of America or the United Mexican States may find proper to give to the Ministers and public agents of any other Power, shall by the same act be extended to those of each of the contracting parties.

ARTICLE XXVIII.

Consuls, &c.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their character, they shall, before entering upon the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates, and inhabitants of the consular district in which they reside. It is agreed likewise to receive and admit Consuls and Vice-Consuls in all the ports and places open to foreign commerce, who shall enjoy therein all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nation, each of the contracting parties remaining at liberty to except those ports and places in which the admission and residence of such Consuls and Vice-Consuls may not seem expedient.

ARTICLE XXIX.

It is likewise agreed that the Consuls, Vice-Consuls, their secretaries,

officers and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all compulsory public service, and also from all kind of taxes, imposts, and contributions levied especially on them, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside, are subject; being in everything besides subject to the laws of their respective States. The archives and papers of consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

Deserters.

ARTICLE XXX.

The said Consuls shall have power to require the assistance of the authorities of the country, for the arrest, detention, and custody of deserters from the public and private vessels of their country; and for that purpose, they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving, by an exhibition of the register of the vessel, or ship's roll, or other public documents, that the man or men demanded were part of said crews; and on this demand so proved, (saving always where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said Consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the vessels to which they belong, or to others of the same nation. But, if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

Deserters.

ARTICLE XXXI.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit, to form a consular convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

Consular convention.

ARTICLE XXXII.

For the purpose of regulating the interior commerce between the frontier territories of both Republics, it is agreed that the Executive of each shall have power, by mutual agreement, of determining on the route and establishing the roads by which such commerce shall be conducted; and in all cases where the caravans employed in such commerce may require convoy and protection by military escort, the Supreme Executive of each nation shall, by mutual agreement, in like manner, fix on the period of departure for such caravans, and the point at which the military escort of the two nations shall be exchanged. And it is further agreed, that, until the regulations for governing this interior commerce between the two nations shall be established, the commercial intercourse between the State of Missouri of the United States of America, and New Mexico in the United Mexican States, shall be conducted as heretofore, each Government affording the necessary protection to the citizens of the other.

Interior commerce.

ARTICLE XXXIII.

Indian hostilities.

It is likewise agreed that the two contracting parties shall, by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the lands adjacent to the lines and rivers which form the boundaries of the two countries; and the better to attain this object, both parties bind themselves expressly to restrain, by force, all hostilities and incursions on the part of the Indian nations living within their respective boundaries: so that the United States of America will not suffer their Indians to attack the citizens of the United Mexican States, nor the Indians inhabiting their territory; nor will the United Mexican States permit the Indians residing within their territories to commit hostilities against the citizens of the United States of America, nor against the Indians residing within the limits of the United States, in any manner whatever.

Prisoners made by Indians.

And in the event of any person or persons, captured by the Indians who inhabit the territory of either of the contracting parties, being or having been carried into the territories of the other, both Governments engage and bind themselves in the most solemn manner to return them to their country as soon as they know of their being within their respective territories, or to deliver them up to the agent or representative of the Government that claims them, giving to each other, reciprocally, timely notice, and the claimant paying the expenses incurred in the transmission and maintenance of such person or persons, who, in the mean time, shall be treated with the utmost hospitality by the local authorities of the place where they may be. Nor shall it be lawful, under any pretext whatever, for the citizens of either of the contracting parties to purchase or hold captive prisoners made by the Indians inhabiting the territories of the other.

ARTICLE XXXIV.

The United States of America and the United Mexican States, desiring to make as durable as circumstances will permit, the relations which are to be established between the two parties by virtue of this treaty or general convention of amity, commerce, and navigation, have declared solemnly, and do agree to the following points:

Duration of treaty.

First. The present treaty shall remain and be in force for eight years from the day of the exchange of the ratifications, and until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other, at the end of said term of eight years. And it is hereby agreed between them that, on the expiration of one year after such notice shall have been received by either of the parties from the other party, this treaty, in all its parts, relating to commerce and navigation, shall altogether cease and determine, and in all those parts which relate to peace and friendship, it shall be permanently and perpetually binding on both the contracting parties.

Secondly. If any one or more of the citzens of either party shall infringe any of the articles of this treaty, such citizens shall be held personally responsible for the same; and the harmony and good correspondence between the two nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

Thirdly. If (what indeed cannot be expected) any of the articles contained in the present treaty shall be violated or infracted in any manner whatever, it is stipulated that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proofs, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

Demand of satisfaction to precede hostilities.

Fourthly. Nothing in this treaty contained shall, however, be construed to operate contrary to former and existing public treaties with other Sovereigns or States.

The present treaty of amity, commerce, and navigation shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the Vice-President of the United Mexican States, with the consent and approbation of the Congress thereof; and the ratifications shall be exchanged in the city of Washington, within the term of one year, to be counted from the date of the signature hereof, or sooner if possible.

In witness whereof we, the Plenipotentiaries of the United States of America and of the United Mexican States, have signed and sealed these presents. Done in the city of Mexico on the fifth day of April, in the year of our Lord one thousand eight hundred and thirty-one, in the fifty-fifth year of the Independence of the United States of America, and in the eleventh of that of the United Mexican States.

A. BUTLER. [L. S.]
LUCAS ALAMAN. [L. S.]
RAFAEL MANGINO. [L. S.]

ADDITIONAL ARTICLE.

Whereas, in the present state of the Mexican shipping, it would not be possible for Mexico to receive the full advantage of the reciprocity established in the fifth and sixth articles of the treaty signed this day, it is agreed that for the term of six years, the stipulations contained in the said articles shall be suspended; and in lieu thereof, it is hereby agreed, that, until the expiration of the said term of six years, American vessels entering into the ports of Mexico, and all articles the produce, growth, or manufacture of the United States of America, imported in such vessels, shall pay no other or higher duties than are or may hereafter be payable in the said ports by the vessels and the like articles the growth, produce, or manufacture of the most favored nation; and, reciprocally, it is agreed that Mexican vessels entering into the ports of the United States of America, and all articles the growth, produce, or manufacture of the United Mexican States, imported in such vessels, shall pay no other or higher duties than are, or may hereafter be, payable in the said ports by the vessels and the like articles the growth, produce, or manufacture of the most favored nation; and that no higher duties shall be paid, or bounties or drawbacks allowed, on the exportation of any article the growth, produce, or manufacture of either country, in the vessels of the other, than upon the exportation of the like articles in the vessels of any other foreign country.

Fifth and sixth articles suspended.

Substitute.

The present additional article shall have the same force and value as

if it had been inserted, word for word, in the treaty signed this day. It shall be ratified, and the ratification exchanged at the same time.

In witness whereof we, the respective Plenipotentiaries, have signed and sealed the same.

Done at Mexico on the fifth day of April, one thousand eight hundred and thirty-one.

A. BUTLER. [L. S.]
LUCAS ALAMAN. [L. S.]
RAFAEL MANGINO. [L. S.]

MEXICO, 1835.

SECOND ADDITIONAL ARTICLE TO TREATY OF JANUARY 12, 1828. CONCLUDED APRIL 3, 1835; RATIFICATIONS EXCHANGED APRIL 20, 1836; PROCLAIMED APRIL 21, 1836.

A treaty having been concluded and signed in the city of Mexico, on the 12th day of January, 1828, between the United States of America and the Mexican United States, for the purpose of establishing the true dividing line and boundary between the two nations, the 3d article of which treaty is as follows: "To fix this line with more precision, and to place the landmarks which shall designate exactly the limits of both nations, each of the contracting parties shall appoint a commissioner and a surveyor, who shall meet before the termination of one year from the date of the ratification of this treaty at Natchitoches, on the Red River, and proceed to run and mark said line from the mouth of the Sabine to the Red River, and from the Red River to the river Arkansas, and to ascertain the latitude of the source of said river Arkansas, in conformity to what is agreed upon and stipulated, and the line of latitude 42 to the South Sea. They shall make out plans, and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this treaty, and shall have the same force as if it were inserted therein. The two Governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary:" And the ratifications of said treaty having been exchanged in the city of Washington, on the 5th day of April, in the year of 1832, but from various causes the contracting parties have been unable to perform the stipulations contained in the above-mentioned 3d article, and the period within which the said stipulations could have been executed has elapsed; and both Republics being desirous that the said treaty should be carried into effect with all due solemnity, the President of the United States of America has for that purpose fully empowered on his part Anthony Butler, a citizen thereof and Chargé d'Affaires of said States in Mexico, and the acting President of the United Mexican States having in like manner fully empowered on his part their Excellencies José Maria Gutierrez de Estrada, Secretary of State for Home and Foreign Affairs, and José Mariano Blasco, Secretary of the Treasury; and the said Plenipotentiaries, after having mutually exchanged their full powers, found to be ample and in form, they have agreed and do hereby agree to the following second additional article to the said treaty:

Commissioners and surveyors.

Within the space of one year, to be estimated from the date of the exchange of the ratifications of this said additional article, there shall be appointed by the Government of the United States of America and of the Mexican United States, each a commissioner and surveyor, for the purpose of fixing with more precision the

dividing-line, and for establishing the landmarks of boundary and limits between the two nations, with the exactness stipulated by the 3d article of the Treaty of Limits, concluded and signed in Mexico on the 12th day of January, 1828, and the ratifications of which were exchanged in Washington city on the 5th day of April, 1832. And the present additional article shall have the same force and effect as if it had been inserted word for word in the above-mentioned treaty of the 12th of January, 1828, and shall be approved and ratified in the manner prescribed by the Constitutions of the respective States.

In faith of which the said Plenipotentiaries have hereunto set their hands and affixed their respective seals.

Done in the city of Mexico on the third day of April, in the year of our Lord one thousand eight hundred and thirty-five, in the fifty-ninth year of the Independence of the United States of America, and of the fifteenth of that of the United Mexican States.

A. BUTLER. [L. S.]
J. M. GUTIERREZ DE ESTRADA. [L. S.]
JOSÉ MARIANO BLASCO. [L. S.]

MEXICO, 1839.

CONVENTION FOR THE ADJUSTMENT OF CLAIMS OF CITIZENS OF THE UNITED STATES OF AMERICA UPON THE GOVERNMENT OF THE MEXICAN REPUBLIC. CONCLUDED APRIL 11, 1839; RATIFICATIONS EXCHANGED APRIL 7, 1840; PROCLAIMED APRIL 8, 1840.

Whereas a convention for the adjustment of claims of citizens of the United States upon the Government of the Mexican Republic was concluded and signed at Washington on the 10th day of September, 1838, which convention was not ratified on the part of the Mexican Government, on the alleged ground that the consent of His Majesty the King of Prussia to provide an arbitrator to act in the case provided by said convention could not be obtained;

And whereas the parties to said convention are still, and equally, desirous of terminating the discussions which have taken place between them in respect to said claims, arising from injuries to the persons and property of citizens of the United States by Mexican authorities, in a manner equally advantageous to the citizens of the United States, by whom said injuries have been sustained, and more convenient to Mexico than that provided by said convention:

The President of the United States has named for this purpose, and furnished with full powers, John Forsyth, Secretary of State of the said United States; and the President of the Mexican Republic has named His Excellency Señor Don Francisco Pizarro Martinez, accredited as Envoy Extraordinary and Minister Plenipotentiary of the Mexican Republic to the United States, and has furnished him with full powers for the same purpose;

And the said Plenipotentiaries have agreed upon and concluded the following articles:

ARTICLE I.

It is agreed that all claims of citizens of the United States upon the Mexican Government, statements of which, soliciting the interposition of the Government of the United States, have been presented to the Department of State or to the diplo-

Claims to be referred to a board of four commissioners.

matic agent of the United States at Mexico until the signature of this convention, shall be referred to four commissioners, who shall form a board, and be appointed in the following manner, namely: two commissioners shall be appointed by the President of the United States, by and with the advice and consent of the Senate thereof, and two commissioners by the President of the Mexican Republic. The said commissioners, so appointed, shall be sworn impartially to examine and decide upon the said claims according to such evidence as shall be laid before them on the part of the United States and the Mexican Republic respectively.

ARTICLE II.

Secretaries, &c.

The said board shall have two secretaries, versed in the English and Spanish languages; one to be appointed by the President of the United States, by and with the advice and consent of the Senate thereof, and the other by the President of the Mexican Republic. And the said secretaries shall be sworn faithfully to discharge their duty in that capacity.

ARTICLE III.

Meeting.

The said board shall meet in the city of Washington within three months after the exchange of the ratifications of this convention, and within eighteen months from the time of its meeting shall terminate its duties. The Secretary of State of the United States shall, immediately after the exchange of the ratifications of this convention, give notice of the time of the meeting of the said board, to be published in two newspapers in Washington, and in such other papers as he may think proper.

ARTICLE IV.

Documents to be delivered.

All documents which now are in, or hereafter, during the continuance of the commission constituted by this convention, may come into the possession of the Department of State of the United States, in relation to the aforesaid claims, shall be delivered to the board. The Mexican Government shall furnish all such documents and explanations as may be in their possession, for the adjustment of the said claims according to the principles of justice, the law of nations, and the stipulations of the treaty of amity and commerce between the United States and Mexico of the 5th of April, 1831; the said documents to be specified when demanded at the instance of the said commissioners.

ARTICLE V.

The commissioners to decide on the justice of claims, &c.

The said commissioners shall, by a report under their hands and seals, decide upon the justice of the said claims and the amount of compensation, if any, due from the Mexican Government in each case.

ARTICLE VI.

Mexico to issue Treasury notes for the amount found due

It is agreed that if it should not be convenient for the Mexican Government to pay at once the amount so found due, it shall be at liberty, immediately after the decisions in the several cases shall have taken place, to issue Treasury notes, re-

ceivable at the maritime custom-houses of the Republic in payment of any duties which may be due or imposed at said custom-houses upon goods entered for importation or exportation; said Treasury notes to bear interest at the rate of eight per centum per annum from the date of the award on the claim in payment of which said Treasury notes shall have been issued until that of their receipt at the Mexican custom-houses. But as the presentation and receipt of said Treasury notes at said custom-houses in large amounts might be inconvenient to the Mexican Government, it is further agreed that, in such case, the obligation of said Government to receive them in payment of duties, as above stated, may be limited to one-half the amount of said duties.

ARTICLE VII.

In case of the commissioners differing.

It is further agreed that in the event of the commissioners differing in relation to the aforesaid claims, they shall, jointly or severally, draw up a report stating, in detail, the points on which they differ, and the grounds upon which their respective opinions have been formed. And it is agreed that the said report or reports, with authenticated copies of all documents upon which they may be founded, shall be referred to the decision of His Majesty the King of Prussia. But as the documents relating to the aforesaid claims are so voluminous that it cannot be expected His Prussian Majesty would be willing or able personally to investigate them, it is agreed that he shall appoint a person to act as an arbiter in his behalf; that the person so appointed shall proceed to Washington; that his travelling expenses to that city and from thence on his return to his place of residence in Prussia, shall be defrayed, one-half by the United States and one-half by the Mexican Republic; and that he shall receive as a compensation for his services a sum equal to one-half the compensation that may be allowed by the United States to one of the commissioners to be appointed by them, added to one-half the compensation that may be allowed by the Mexican Government to one of the commissioners to be appointed by it. And the compensation of such arbiter shall be paid, one-half by the United States and one-half by the Mexican Government.

ARTICLE VIII.

Umpire.

Immediately after the signature of this convention, the Plenipotentiaries of the contracting parties (both being thereunto competently authorized) shall, by a joint note, addressed to the Minister for Foreign Affairs of His Majesty the King of Prussia, to be delivered by the Minister of the United States at Berlin, invite the said monarch to appoint an umpire to act in his behalf in the manner above mentioned, in case this convention shall be ratified respectively by the Governments of the United States and Mexico.

ARTICLE IX.

It is agreed that, in the event of His Prussian Majesty's declining to appoint an umpire to act in his behalf, as aforesaid, the contracting parties, on being informed thereof, shall, without delay, invite Her Britannic Majesty, and in case of her declining, His Majesty the King of the Netherlands, to appoint an umpire to act in their behalf, respectively, as above provided.

ARTICLE X.

Decision of the umpire.

And the contracting parties further engage to consider the decision of such umpire to be final and conclusive on all the matters so referred.

ARTICLE XI.

Treasury notes to be issued.

For any sums of money which the umpire shall find due to citizens of the United States by the Mexican Government, Treasury notes shall be issued in the manner aforementioned.

ARTICLE XII.

Mexico exonerated from certain claims.

And the United States agree forever to exonerate the Mexican Government from any further accountability for claims which shall either be rejected by the board or the arbiter aforesaid, or which, being allowed by either, shall be provided for by the said Government in the manner before mentioned.

ARTICLE XIII.

Compensation of commissioners, &c.

And it is agreed that each Government shall provide compensation for the commissioners and secretary to be appointed by it; and that the contingent expenses of the board shall be defrayed, one moiety by the United States and one moiety by the Mexican Republic.

ARTICLE XIV.

This convention shall be ratified, and the ratifications shall be exchanged at Washington within twelve months from the signature hereof, or sooner if possible.

In faith whereof we, the Plenipotentiaries of the United States of America and of the Mexican Republic, have signed and sealed these presents.

Done in the city of Washington on the eleventh day of April, in the year of our Lord one thousand eight hundred and thirty-nine, in the sixty-third year of the Independence of the United States of America, and the nineteenth of that of the Mexican Republic.

JOHN FORSYTH. [L. S.]
FRAN. PIZARRO MARTINEZ. [L. S.]

MEXICO, 1843.

CONVENTION FURTHER TO PROVIDE FOR THE PAYMENT OF AWARDS IN FAVOR OF CLAIMANTS UNDER THE CONVENTION BETWEEN THE UNITED STATES AND THE MEXICAN REPUBLIC OF THE 11TH OF APRIL, 1839. CONCLUDED JANUARY 30, 1843; RATIFICATIONS EXCHANGED MARCH 29, 1843; PROCLAIMED MARCH 30, 1843.

Preamble.

Whereas, by the convention between the United States and the Mexican Republic, of the 11th April, 1839, it is stipulated that, if it should not be convenient to the Mexican Government to pay at once the sums found to be due to the claimants

under that convention, that Government shall be at liberty to issue Treasury notes in satisfaction of those sums; and whereas the Government of Mexico [is] anxious to comply with the terms of said convention, and to pay those awards in full, but finds it inconvenient either to pay them in money or to issue the said Treasury notes: The President of the United States has, for the purpose of carrying into full effect the intentions of the said parties, conferred full powers on Waddy Thompson, Envoy Extraordinary and Minister of the United States to the Mexican Government, and the President of the Mexican Republic has conferred full powers on their Excellencies José Maria de Bocanegra, Minister of Foreign Relations and Government, and Manuel Eduardo de Gorostiza, Minister of Finances. And the said Plenipotentiaries, after having exchanged their full powers, found to be in due form, have agreed to and concluded the following articles:

ARTICLE I.

On the 30th day of April, 1843, the Mexican Government shall pay all the interest which may then be due on the awards in favor of claimants under the convention of the 11th of April, 1839, in gold or silver money, in the city of Mexico.

Mexico to pay all interest due.

ARTICLE II.

The principal of the said awards, and the interest accruing thereon, shall be paid in five years, in equal instalments every three months, the said term of five years to commence on the 30th day of April, 1843, aforesaid.

Principal and interest to be paid in five years.

ARTICLE III.

The payments aforesaid shall be made in the city of Mexico to such person as the United States may authorize to receive them, in gold or silver money. But no circulation, export, nor other duties shall be charged thereon; and the Mexican Government takes the risk, charges, and expenses of the transportation of the money to the city of Vera Cruz.

Payments to be made in the city of Mexico, in gold or silver.

ARTICLE IV.

The Mexican Government hereby solemnly pledges the proceeds of the direct taxes of the Mexican Republic for the payment of the instalments and interest aforesaid, but it is understood that whilst no other fund is thus specifically hypothecated, the Government of the United States, by accepting this pledge, does not incur any obligation to look for payment of those instalments and interest to that fund alone.

Mexico pledges the proceeds of direct taxes.

ARTICLE V.

As this new arrangement, which is entered into for the accommodation of Mexico, will involve additional charges of freight, commission, &c., the Government of Mexico hereby agrees to add two and a half per centum to each of the aforesaid payments on account of said charges.

Mexico to pay two and a half per centum on each payment to cover charges.

ARTICLE VI.

A new convention shall be entered into for the settlement of all

New convention to be entered into for the settlement of all claims in Mexico.

claims of the Government and citizens of the United States against the Republic of Mexico, which were not finally decided by the late commission which met in the city of Washington, and of all claims of the Government and citizens of Mexico against the United States.

ARTICLE VII.

Ratifications, when to be exchanged.

The ratifications of this convention shall be exchanged at Washington within three months after the date thereof, provided it shall arrive at Washington before the adjournment of the present session of Congress; and if not, then within one month after the meeting of the next Congress of the United States.

In faith whereof we, the Plenipotentiaries of the United States of America and of the Mexican Republic, have signed and sealed these presents.

Done at the city of Mexico on the thirtieth day of January, in the year of our Lord one thousand eight hundred and forty-three, and in the sixty-seventh year of the Independence of the United States of America, and in the twenty-third year of that of the Mexican Republic.

WADDY THOMPSON. [L. S.]
J. MA. DE BOCANEGRA. [L. S.]
M. E. DE GOROSTIZA. [L. S.]

MEXICO, 1848.

TREATY OF PEACE, FRIENDSHIP, LIMITS, AND SETTLEMENT, WITH THE REPUBLIC OF MEXICO. CONCLUDED FEBRUARY 2, 1848; RATIFICATIONS EXCHANGED AT QUERETARO, MAY 30, 1848; PROCLAIMED JULY 4, 1848.

In the name of Almighty God:

Preamble.

The United States of America and the United Mexican States, animated by a sincere desire to put an end to the calamities of the war which unhappily exists between the two Republics, and to establish upon a solid basis relations of peace and friendship, which shall confer reciprocal benefits upon the citizens of both, and assure the concord, harmony, and mutual confidence wherein the two people should live, as good neighbours, have for that purpose appointed their respective plenipotentiaries, that is to say:

Negotiators.

The President of the United States has appointed Nicholas P. Trist, a citizen of the United States, and the President of the Mexican Republic has appointed Don Luis Gonzaga Cuevas, Don Bernardo Couto, and Don Miguel Atristain, citizens of the said Republic;

Who, after a reciprocal communication of their respective full powers, have, under the protection of Almighty God, the author of peace, arranged, agreed upon, and signed the following

Treaty of Peace, Friendship, Limits, and Settlement between the United States of America and the Mexican Republic.

ARTICLE I.

There shall be firm and universal peace between the United States of

America and the Mexican Republic, and between their respective countries, territories, cities, towns, and people, without exception of places or persons.

Firm and universal peace.

ARTICLE II.

Immediately upon the signature of this treaty, a convention shall be entered into between a commissioner or commissioners appointed by the General-in-chief of the forces of the United States, and such as may be appointed by the Mexican Government, to the end that a provisional suspension of hostilities shall take place, and that, in the places occupied by the said forces, constitutional order may be re-established, as regards the political, administrative, and judicial branches, so far as this shall be permitted by the circumstances of military occupation.

Convention to be entered into for the provisional suspension of hostilities.

ARTICLE III.

Immediately upon the ratification of the present treaty by the Government of the United States, orders shall be transmitted to the commanders of their land and naval forces, requiring the latter (provided this treaty shall then have been ratified by the Government of the Mexican Republic, and the ratifications exchanged) immediately to desist from blockading any Mexican ports; and requiring the former (under the same condition) to commence, at the earliest moment practicable, withdrawing all troops of the United States then in the interior of the Mexican Republic, to points that shall be selected by common agreement, at a distance from the seaports not exceeding thirty leagues; and such evacuation of the interior of the Republic shall be completed with the least possible delay; the Mexican Government hereby binding itself to afford every facility in its power for rendering the same convenient to the troops, on their march and in their new positions, and for promoting a good understanding between them and the inhabitants. In like manner orders shall be despatched to the persons in charge of the custom-houses at all ports occupied by the forces of the United States, requiring them (under the same condition) immediately to deliver possession of the same to the persons authorized by the Mexican Government to receive it, together with all bonds and evidences of debt for duties on importations and on exportations, not yet fallen due. Moreover, a faithful and exact account shall be made out, showing the entire amount of all duties on imports and on exports, collected at such custom-houses, or elsewhere in Mexico, by authority of the United States, from and after the day of ratification of this treaty by the Government of the Mexican Republic; and also an account of the cost of collection; and such entire amount, deducting only the cost of collection, shall be delivered to the Mexican Government, at the city of Mexico, within three months after the exchange of ratifications.

Upon ratification of this treaty, blockade of the Mexican ports to cease.

Troops of the United States to be withdrawn, &c.

Custom-houses.

The evacuation of the capital of the Mexican Republic by the troops of the United States, in virtue of the above stipulation, shall be completed in one month after the orders there stipulated for shall have been received by the commander of said troops, or sooner if possible.

Evacuation of the capital of Mexico.

ARTICLE IV.

Immediately after the exchange of ratifications of the present treaty

All castles, forts, &c., to be restored.

all castles, forts, territories, places, and possessions, which have been taken or occupied by the forces of the United States during the present war, within the limits of the Mexican Republic, as about to be established by the following article, shall be definitively restored to the said Republic, together with all the artillery, arms, apparatus of war, munitions, and other public property, which were in the said castles and forts when captured, and which shall remain there at the time when this treaty shall be duly ratified by the Government of the Mexican Republic. To this end, immediately upon the signature of this treaty, orders shall be despatched to the American officers commanding such castles and forts, securing against the removal or destruction of any such artillery, arms, apparatus of war, munitions, or other public property. The city of Mexico, within the inner line of intrenchments surrounding the said city, is comprehended in the above stipulation, as regards the restoration of artillery, apparatus of war, &c.

Final evacuation of Mexican territory.

The final evacuation of the territory of the Mexican Republic, by the forces of the United States, shall be completed in three months from the said exchange of ratifications, or sooner if possible; the Mexican Government hereby engaging, as in the foregoing article, to use all means in its power for facilitating such evacuation, and rendering it convenient to the troops, and for promoting a good understanding between them and the inhabitants.

If, however, the ratification of this treaty by both parties should not take place in time to allow the embarcation of the troops of the United States to be completed before the commencement of the sickly season, at the Mexican ports on the Gulf of Mexico, in such case a friendly arrangement shall be entered into between the General-in-chief of the said troops and the Mexican Government, whereby healthy and otherwise suitable places, at a distance from the ports not exceeding thirty leagues, shall be designated for the residence of such troops as may not yet have embarked, until the return of the healthy season. And the space of time here referred to as comprehending the sickly season shall be understood to extend from the first day of May to the first day of November.

Prisoners of war to be restored.

All prisoners of war taken on either side, on land or on sea, shall be restored as soon as practicable after the exchange of ratifications of this treaty. It is also agreed that if any Mexicans should now be held as captives by any savage tribe within the limits of the United States, as about to be established by the following article, the Government of the said United States will exact the release of such captives, and cause them to be restored to their country.

ARTICLE V.

Boundary line.

The boundary line between the two Republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence up the middle of that river, following the deepest channel, where it has more than one, to the point where it strikes the southern boundary of New Mexico; thence, westwardly, along the whole southern boundary of New Mexico (which runs north of the town called Paso) to its western termination; thence, northward, along the western line of New Mexico, until it intersects the first branch of the river Gila; (or if it should not intersect any branch of that river, then to the point on the said line nearest to such

branch, and thence in a direct line to the same;) thence down the middle of the said branch and of the said river, until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific Ocean.

Southern and western limits of New Mexico.

The southern and western limits of New Mexico, mentioned in this article, are those laid down in the map entitled "*Map of the United Mexican States, as organized and defined by various acts of the Congress of said republic, and constructed according to the best authorities. Revised edition. Published at New York, in* 1847, *by J. Disturnell;*" of which map a copy is added to this treaty, bearing the signatures and seals of the undersigned Plenipotentiaries. And, in order to preclude all difficulty in tracing upon the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the coast of the Pacific Ocean, distant one marine league due south of the southernmost point of the port of San Diego, according to the plan of said port made in the year 1782 by Don Juan Pantoja, second sailing-master of the Spanish fleet, and published at Madrid in the year 1802, in the atlas to the voyage of the schooners Sutil and Mexicana; of which plan a copy is hereunto added, signed and sealed by the respective Plenipotentiaries.

A commissioner and surveyor to be appointed to run and mark the boundary lines.

In order to designate the boundary line with due precision, upon authoritative maps, and to establish upon the ground landmarks which shall show the limits of both republics, as described in the present article, the two Governments shall each appoint a commissioner and a surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. They shall keep journals and make out plans of their operations; and the result agreed upon by them shall be deemed a part of this treaty, and shall have the same force as if it were inserted therein. The two Governments will amicably agree regarding what may be necessary to these persons, and also as to their respective escorts, should such be necessary.

Boundary line to be religiously respected.

The boundary line established by this article shall be religiously respected by each of the two republics, and no change shall ever be made therein, except by the express and free consent of both nations, lawfully given by the General Government of each, in conformity with its own constitution.

ARTICLE VI.

Free passage by the Gulf of California and river Colorado to vessels of the United States.

The vessels and citizens of the United States shall, in all time, have a free and uninterrupted passage by the Gulf of California, and by the river Colorado below its confluence with the Gila, to and from their possessions situated north of the boundary line defined in the preceding article; it being understood that this passage is to be by navigating the Gulf of California and the river Colorado, and not by land, without the express consent of the Mexican Government.

Construction of a road, canal, or railway to run on the banks of the river Gila.

If, by the examinations which may be made, it should be ascertained to be practicable and advantageous to construct a road, canal, or railway, which should in whole or in part run upon the river Gila, or upon its right or its left bank, within the space of one marine league from either margin of the river,

the Governments of both republics will form an agreement regarding its construction, in order that it may serve equally for the use and advantage of both countries.

ARTICLE VII.

Navigation of rivers Gila and Rio Bravo below the boundary line.

The river Gila, and the part of the Rio Bravo del Norte lying below the southern boundary of New Mexico, being, agreeably to the fifth article, divided in the middle between the two republics, the navigation of the Gila and of the Bravo below said boundary shall be free and common to the vessels and citizens of both countries; and neither shall, without the consent of the other, construct any work that may impede or interrupt, in whole or in part, the exercise of this right; not even for the purpose of favouring new methods of navigation. Nor shall any tax or contribution, under any denomination or title, be levied upon vessels or persons navigating the same, or upon merchandise or effects transported thereon, except in the case of landing upon one of their shores. If, for the purpose of making the said rivers navigable, or for maintaining them in such state, it should be necessary or advantageous to establish any tax or contribution, this shall not be done without the consent of both Governments.

Navigation of said rivers not to be obstructed, and no tax to be levied on vessels or persons navigating the same without the consent of both Governments.

The stipulations contained in the present article shall not impair the territorial rights of either republic within its established limits.

ARTICLE VIII.

Mexicans established in territories ceded to the United States.

Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof, and removing the proceeds wherever they please, without their being subjected, on this account, to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said territories may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

Property to be inviolably respected.

In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it guarantees equally ample as if the same belonged to citizens of the United States.

ARTICLE IX.

How Mexicans remaining in the ceded territories may become citizens of the United States.

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress

of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the mean time, shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

ARTICLE X.

[Stricken out.]

ARTICLE XI.

Considering that a great part of the territories, which, by the present treaty, are to be comprehended for the future within the limits of the United States, is now occupied by savage tribes, who will hereafter be under the exclusive controul of the Government of the United States, and whose incursions within the territory of Mexico would be prejudicial in the extreme, it is solemnly agreed that all such incursions shall be forcibly restrained by the Government of the United States whensoever this may be necessary; and that when they cannot be prevented, they shall be punished by the said government, and satisfaction for the same shall be exacted—all in the same way, and with equal diligence and energy, as if the same incursions were meditated or committed within its own territory, against its own citizens.

Incursions of savage tribes into the territory of Mexico.

It shall not be lawful, under any pretext whatever, for any inhabitant of the United States to purchase or acquire any Mexican, or any foreigner residing in Mexico, who may have been captured by Indians inhabiting the territory of either of the two republics; nor to purchase or acquire horses, mules, cattle, or property of any kind, stolen within Mexican territory by such Indians.

And in the event of any person or persons, captured within Mexican territory by Indians, being carried into the territory of the United States, the Government of the latter engages and binds itself, in the most solemn manner, so soon as it shall know of such captives being within its territory, and shall be able so to do, through the faithful exercise of its influence and power, to rescue them and return them to their country, or deliver them to the agent or representative of the Mexican Government. The Mexican authorities will, as far as practicable, give to the Government of the United States notice of such captures; and its agents shall pay the expenses incurred in the maintenance and transmission of the rescued captives; who, in the mean time, shall be treated with the utmost hospitality by the American authorities at the place where they may be. But if the Government of the United States, before receiving such notice from Mexico, should obtain intelligence, through any other channel, of the existence of Mexican captives within its territory, it will proceed forthwith to effect their release and delivery to the Mexican agent, as above stipulated.

Persons captured in Mexican territory and carried into the territory of the United States

For the purpose of giving to these stipulations the fullest possible efficacy, thereby affording the security and redress demanded by their true spirit and intent, the Government of the United States will now and hereafter pass, without unnecessary delay, and always vigilantly enforce, such laws as the nature of the subject may require. And, finally, the sacredness of this obligation shall never be lost sight of by the said Government, when pro-

Government of the United States to pass such laws as may be necessary to give effect to the foregoing stipulations.

viding for the removal of the Indians from any portion of the said territories, or for its being settled by citizens of the United States; but, on the contrary, special care shall then be taken not to place its Indian occupants under the necessity of seeking new homes, by committing those invasions which the United States have solemnly obliged themselves to restrain.

ARTICLE XII.

Amount of money to be paid to Mexico.

In consideration of the extension acquired by the boundaries of the United States, as defined in the fifth article of the present treaty, the Government of the United States engages to pay to that of the Mexican Republic the sum of fifteen millions of dollars.

How the same shall be paid.

Immediately after this treaty shall have been duly ratified by the Government of the Mexican Republic, the sum of three millions of dollars shall be paid to the said Government by that of the United States, at the city of Mexico, in the gold or silver coin of Mexico. The remaining twelve millions of dollars shall be paid at the same place, and in the same coin, in annual instalments of three millions of dollars each, together with interest on the same at the rate of six per centum per annum. This interest shall begin to run upon the whole sum of twelve millions from the day of the ratification of the present treaty by the Mexican Government, and the first of the instalments shall be paid at the expiration of one year from the same day. Together with each annual instalment, as it falls due, the whole interest accruing on such instalment from the beginning shall also be paid.

ARTICLE XIII.

The United States also to assume and pay the amounts due, &c.

The United States engage, moreover, to assume and pay to the claimants all the amounts now due them, and those hereafter to become due, by reason of the claims already liquidated and decided against the Mexican Republic, under the conventions between the two republics severally concluded on the eleventh day of April, eighteen hundred and thirty-nine, and on the thirtieth day of January, eighteen hundred and forty-three; so that the Mexican Republic shall be absolutely exempt, for the future, from all expense whatever on account of the said claims.

ARTICLE XIV.

Mexican Government discharged from all claims of citizens of the United States.

The United States do furthermore discharge the Mexican Republic from all claims of citizens of the United States, not heretofore decided against the Mexican Government, which may have arisen previously to the date of the signature of this treaty; which discharge shall be final and perpetual, whether the said claims be rejected or be allowed by the board of commissioners provided for in the following article, and whatever shall be the total amount of those allowed.

ARTICLE XV.

The United States to make satisfaction for the same, not exceeding three and a quarter millions of dollars.

The United States, exonerating Mexico from all demands on account of the claims of their citizens mentioned in the preceding article, and considering them entirely and forever cancelled, whatever their amount may be, undertake to make satisfaction for the same, to an amount not exceeding three and

one-quarter millions of dollars. To ascertain the validity and amount of those claims, a board of commissioners shall be established by the Government of the United States, whose awards shall be final and conclusive; provided that, in deciding upon the validity of each claim, the board shall be guided and governed by the principles and rules of decision prescribed by the first and fifth articles of the unratified convention, concluded at the city of Mexico on the twentieth day of November, one thousand eight hundred and forty-three; and in no case shall an award be made in favour of any claim not embraced by these principles and rules.

Board of commissioners to be established.

If, in the opinion of the said board of commissioners or of the claimants, any books, records, or documents, in the possession or power of the Government of the Mexican Republic, shall be deemed necessary to the just decision of any claim, the commissioners, or the claimants through them, shall, within such period as Congress may designate, make an application in writing for the same, addressed to the Mexican Minister for Foreign Affairs, to be transmitted by the Secretary of State of the United States; and the Mexican Government engages, at the earliest possible moment after the receipt of such demand, to cause any of the books, records, or documents so specified, which shall be in their possession or power, (or authenticated copies or extracts of the same,) to be transmitted to the said Secretary of State, who shall immediately deliver them over to the said board of commissioners; provided that no such application shall be made by or at the instance of any claimant, until the facts which it is expected to prove by such books, records, or documents, shall have been stated under oath or affirmation.

How books, records, and documents in the possession of the Government of Mexico necessary to the decision of any claim are to be obtained from that Government.

ARTICLE XVI.

Each of the contracting parties reserves to itself the entire right to fortify whatever point within its territory it may judge proper so to fortify for its security.

Each party reserves the right to fortify any part of its territory.

ARTICLE XVII.

The treaty of amity, commerce, and navigation, concluded at the city of Mexico on the fifth day of April, A. D. 1831, between the United States of America and the United Mexican States, except the additional article, and except so far as the stipulations of the said treaty may be incompatible with any stipulation contained in the present treaty, is hereby revived for the period of eight years from the day of the exchange of ratifications of this treaty, with the same force and virtue as if incorporated therein; it being understood that each of the contracting parties reserves to itself the right, at any time after the said period of eight years shall have expired, to terminate the same by giving one year's notice of such intention to the other party.

Treaty of 5th April, 1831, between the United States and Mexico, with certain exceptions, revived.

But may be terminated by either party's giving one year's notice.

ARTICLE XVIII.

All supplies whatever for troops of the United States in Mexico, arriving at ports in the occupation of such troops previous to the final evacuation thereof, although subsequently to the restoration of the custom-houses at such ports, shall be entirely exempt from duties and charges of any kind; the Government of the United States hereby engaging and pledging its faith to establish, and vigilantly to enforce, all possible guards for securing

Supplies for the troops of the United States arriving in Mexico previous to the evacuation to be exempt from duty.

the revenue of Mexico, by preventing the importation, under cover of this stipulation, of any articles other than such, both in kind and in quantity, as shall really be wanted for the use and consumption of the forces of the United States during the time they may remain in Mexico. To this end it shall be the duty of all officers and agents of the United States to denounce to the Mexican authorities at the respective ports any attempts at a fraudulent abuse of this stipulation, which they may know of, or may have reason to suspect, and to give to such authorities all the aid in their power with regard thereto; and every such attempt, when duly proved and established by sentence of a competent tribunal, shall be punished by the confiscation of the property so attempted to be fraudulently introduced.

ARTICLE XIX.

Rules to be observed with respect to merchandise imported into Mexican ports, &c.

With respect to all merchandise, effects, and property whatsoever, imported into ports of Mexico whilst in the occupation of the forces of the United States, whether by citizens of either republic, or by citizens or subjects of any neutral nation, the following rules shall be observed:

Merchandise, &c., imported previous to the restoration of the custom-houses.

1. All such merchandise, effects, and property, if imported previously to the restoration of the custom-houses to the Mexican authorities, as stipulated for in the third article of this treaty, shall be exempt from confiscation, although the importation of the same be prohibited by the Mexican tariff.

The same exemption as to merchandise, &c., imported subsequently to the restoration of the custom-houses.

2. The same perfect exemption shall be enjoyed by all such merchandise, effects, and property, imported subsequently to the restoration of the custom-houses, and previously to the sixty days fixed in the following article for the coming into force of the Mexican tariff at such ports respectively; the said merchandise, effects, and property being, however, at the time of their importation, subject to the payment of duties, as provided for in the said following article.

Merchandise, effects, &c., during continuance at place of importation, and upon leaving such place for the interior, exempt from duty, &c.

3. All merchandise, effects, and property described in the two rules foregoing shall, during their continuance at the place of importation, and upon their leaving such place for the interior, be exempt from all duty, tax, or impost of every kind, under whatsoever title or denomination. Nor shall they be there subjected to any charge whatsoever upon the sale thereof.

Merchandise, &c., removed to places in the interior whilst in the occupation of the troops of the United States, also exempt from duty, &c.

4. All merchandise, effects, and property, described in the first and second rules, which shall have been removed to any place in the interior whilst such place was in the occupation of the forces of the United States, shall, during their continuance therein, be exempt from all tax upon the sale or consumption thereof, and from every kind of impost or contribution, under whatsoever title or denomination.

But merchandise, &c., removed to places not occupied by the forces of the United States, may be subject to the payment of duties under Mexican laws, &c.

5. But if any merchandise, effects, or property, described in the first and second rules, shall be removed to any place not occupied at the time by the forces of the United States, they shall, upon their introduction into such place, or upon their sale or consumption there, be subject to the same duties which, under the Mexican laws, they would be required to pay in such cases if they had been imported in time of peace, through the maritime custom-houses, and had there paid the duties conformably with the Mexican tariff.

6. The owners of all merchandise, effects, or property, described in the first and second rules, and existing in any port of Mexico, shall have the right to reship the same, exempt from all tax, impost, or contribution whatever.

Owners of merchandise, &c., to have the right to reship the same free of duty.

With respect to the metals, or other property, exported from any Mexican port whilst in the occupation of the forces of the United States, and previously to the restoration of the custom-house at such port, no person shall be required by the Mexican authorities, whether general or state, to pay any tax, duty, or contribution upon any such exportation, or in any manner to account for the same to the said authorities.

Metals and other property exported from Mexican ports whilst occupied by the forces of the United States previous to the restoration of the custom-houses.

ARTICLE XX.

Through consideration for the interests of commerce generally, it is agreed, that if less than sixty days should elapse between the date of the signature of this treaty and the restoration of the custom-houses, conformably with the stipulation in the third article, in such case all merchandise, effects, and property whatsoever, arriving at the Mexican ports after the restoration of the said custom-houses, and previously to the expiration of sixty days after the day of the signature of this treaty, shall be admitted to entry; and no other duties shall be levied thereon than the duties established by the tariff found in force at such custom-houses at the time of the restoration of the same. And to all such merchandise, effects, and property, the rules established by the preceding article shall apply.

The tariff established by the United States at places occupied by their forces in Mexico to be in force for sixty days.

ARTICLE XXI.

If unhappily any disagreement should hereafter arise between the Governments of the two republics, whether with respect to the interpretation of any stipulation in this treaty, or with respect to any other particular concerning the political or commercial relations of the two nations, the said Governments, in the name of those nations, do promise to each other that they will endeavour, in the most sincere and earnest manner, to settle the differences so arising, and to preserve the state of peace and friendship in which the two countries are now placing themselves, using, for this end, mutual representations and pacific negotiations. And if, by these means, they should not be enabled to come to an agreement, a resort shall not, on this account, be had to reprisals, aggression, or hostility of any kind, by the one republic against the other, until the Government of that which deems itself aggrieved shall have maturely considered, in the spirit of peace and good neighbourship, whether it would not be better that such difference should be settled by the arbitration of commissioners appointed on each side, or by that of a friendly nation. And should such course be proposed by either party, it shall be acceded to by the other, unless deemed by it altogether incompatible with the nature of the difference, or the circumstances of the case.

In case of disagreement, pacific negotiations to be used.

ARTICLE XXII.

If (which is not to be expected, and which God forbid) war should unhappily break out between the two republics, they do now, with a view to such calamity, solemnly pledge themselves to each other and to the world to observe the following rules;

Rules to be observed in case of war.

absolutely where the nature of the subject permits, and as closely as possible in all cases where such absolute observance shall be impossible:

Merchants to be allowed time to settle their affairs, to depart with their effects.

1. The merchants of either republic then residing in the other shall be allowed to remain twelve months, (for those dwelling in the interior,) and six months, (for those dwelling at the seaports,) to collect their debts and settle their affairs; during which periods they shall enjoy the same protection, and be on the same footing, in all respects, as the citizens or subjects of the most friendly nations; and, at the expiration thereof, or at any time before, they shall have full liberty to depart, carrying off all their effects without molestation or hindrance, conforming therein to the same laws which the citizens or subjects of the most friendly nations are required to conform to. Upon the entrance of the armies of either nation into the territories of the other, women and children, ecclesiastics, scholars of every faculty, cultivators of the earth, merchants, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all persons whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, unmolested in their persons. Nor shall their houses or goods be burnt or otherwise destroyed, nor their cattle taken, nor their fields wasted, by the armed force into whose power, by the events of war, they may happen to fall; but if the necessity arise to take anything from them for the use of such armed force, the same shall be paid for at an equitable price. All churches, hospitals, schools, colleges, libraries, and other establishments for charitable and beneficent purposes, shall be respected, and all persons connected with the same protected in the discharge of their duties, and the pursuit of their vocations.

Women, children, ecclesiastics, &c., to be unmolested.

Their property to be respected; and if taken, in case of necessity, to be paid for.

Churches, hospitals, schools, &c., to be respected.

Prisoners of war; their treatment.

2. In order that the fate of prisoners of war may be alleviated, all such practices as those of sending them into distant, inclement, or unwholesome districts, or crowding them into close and noxious places, shall be studiously avoided. They shall not be confined in dungeons, prison-ships, or prisons; nor be put in irons, or bound, or otherwise restrained in the use of their limbs. The officers shall enjoy liberty on their paroles, within convenient districts, and have comfortable quarters; and the common soldier shall be disposed in cantonments, open and extensive enough for air and exercise, and lodged in barracks as roomy and good as are provided by the party in whose power they are for its own troops. But if any officer shall break his parole by leaving the district so assigned him, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual, officer, or other prisoner, shall forfeit so much of the benefit of this article as provides for his liberty on parole or in cantonment. And if any officer so breaking his parole, or any common soldier so escaping from the limits assigned him, shall afterwards be found in arms, previously to his being regularly exchanged, the person so offending shall be dealt with according to the established laws of war. The officers shall be daily furnished, by the party in whose power they are, with as many rations, and of the same articles, as are allowed, either in kind or by commutation, to officers of equal rank in its own army; and all others shall be daily furnished with such ration as is allowed to a common soldier in its own service; the value of all which supplies shall, at the close of the war, or at periods to be agreed upon between the respective commanders, be paid by the other party, on a mutual adjustment of accounts for the subsistence of prisoners; and such accounts

shall not be mingled with or set off against any others, nor the balance due on them be withheld, as a compensation or reprisal for any cause whatever, real or pretended. Each party shall be allowed to keep a commissary of prisoners, appointed by itself, with every cantonment of prisoners, in possession of the other; which commissary shall see the prisoners as often as he pleases; shall be allowed to receive, exempt from all duties or taxes, and to distribute, whatever comforts may be sent to them by their friends; and shall be free to transmit his reports in open letters to the party by whom he is employed.

And it is declared that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending the solemn covenant contained in this article. On the contrary, the state of war is precisely that for which it is provided; and, during which, its stipulations are to be as sacredly observed as the most acknowledged obligations under the law of nature or nations.

The solemn covenant herein entered into not to be annulled on the pretence that war dissolves all treaties.

ARTICLE XXIII.

This treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of the Mexican Republic, with the previous approbation of its general Congress; and the ratifications shall be exchanged in the city of Washington, or at the seat of Government of Mexico, in four months from the date of the signature hereof, or sooner if practicable.

Treaty subject to ratification, and ratifications to be exchanged in four months from date of signature.

In faith whereof we, the respective Plenipotentiaries, have signed this treaty of peace, friendship, limits, and settlement, and have hereunto affixed our seals respectively. Done in quintuplicate, at the city of Guadalupe Hidalgo, on the second day of February, in the year of our Lord one thousand eight hundred and forty-eight.

Signed in February 1848.

N. P. TRIST. [L. S.]
LUIS G. CUEVAS. [L. S.]
BERNARDO COUTO. [L. S.]
MIGL. ATRISTAIN. [L. S.]

PROTOCOL.

In the city of Queretaro, on the twenty-sixth of the month of May, eighteen hundred and forty-eight, at a conference between their excellencies Nathan Clifford and Ambrose H. Sevier, Commissioners of the U. S. of A., with full powers from their Government to make to the Mexican Republic suitable explanations in regard to the amendments which the Senate and Government of the said United States have made in the treaty of peace, friendship, limits, and definitive settlement between the two Republics, signed in Guadalupe Hidalgo, on the second day of February of the present year; and His Excellency Don Luis de la Rosa, Minister of Foreign Affairs of the Republic of Mexico; it was agreed, after adequate conversation, respecting the changes alluded to, to record in the present protocol the following explanations, which their aforesaid excellencies the Commissioners gave in the name of their Government and in fulfillment of the commission conferred upon them near the Mexican Republic:

1st. The American Government by suppressing the IXth article of

the treaty of Guadalupe Hidalgo and substituting the IIId article of the treaty of Louisiana, did not intend to diminish in any way what was agreed upon by the aforesaid article IXth in favor of the inhabitants of the territories ceded by Mexico. Its understanding is that all of that agreement is contained in the 3d article of the treaty of Louisiana. In consequence all the privileges and guarantees, civil, political, and religious, which would have been possessed by the inhabitants of the ceded territories, if the IXth article of the treaty had been retained, will be enjoyed by them, without any difference, under the article which has been substituted.

2d. The American Government by suppressing the Xth article of the treaty of Guadalupe did not in any way intend to annul the grants of lands made by Mexico in the ceded territories. These grants, notwithstanding the suppression of the article of the treaty, preserve the legal value which they may possess, and the grantees may cause their legitimate [titles] to be acknowledged before the American tribunals.

Conformably to the law of the United States, legitimate titles to every description of property, personal and real, existing in the ceded territories are those which were legitimate titles under the Mexican law in California and New Mexico up to the 13th of May, 1846, and in Texas up to the 2d March, 1836.

3d. The Government of the United States, by suppressing the concluding paragraph of article XIIth of the treaty, did not intend to deprive the Mexican Republic of the free and unrestrained faculty of ceding, conveying, or transferring at any time (as it may judge best) the sum of the twelve millions of dollars which the same Government of the U. States is to deliver in the places designated by the amended article.

And these explanations having been accepted by the Minister of Foreign Affairs of the Mexican Republic, he declared, in name of his Government, that with the understanding conveyed by them the same Government would proceed to ratify the treaty of Guadalupe, as modified by the Senate and Government of the U. States. In testimony of which, their Excellencies, the aforesaid Commissioners and the Minister have signed and sealed, in quintuplicate, the present protocol.

[SEAL.]	A. H. SEVIER.
[SEAL.]	NATHAN CLIFFORD.
[SEAL.]	LUIS DE LA ROSA.

ARTICLES REFERRED TO IN THE FIFTEENTH ARTICLE OF THE PRECEDING TREATY.

First and fifth articles of the unratified convention between the United States and the Mexican Republic of the 20th November, 1843.

ARTICLE I.

All claims of citizens of the Mexican Republic against the Government of the United States which shall be presented in the manner and time hereinafter expressed, and all claims of citizens of the United States against the Government of the Mexican Republic, which, for whatever cause, were not submitted to, nor considered, nor finally decided by, the commission, nor by the arbiter appointed by the convention of 1839, and which shall be presented in the manner and time hereinafter specified, shall be referred to four commissioners, who shall form a board, and shall be appointed in the following manner, that is to say:

Two commissioners shall be appointed by the President of the Mexican Republic, and the other two by the President of the United States, with the approbation and consent of the Senate. The said commissioners, thus appointed, shall, in presence of each other, take an oath to examine and decide impartially the claims submitted to them, and which may lawfully be considered, according to the proofs which shall be presented, the principles of right and justice, the law of nations, and the treaties between the two republics.

ARTICLE V.

All claims of citizens of the United States against the Government of the Mexican Republic, which were considered by the commissioners, and referred to the umpire appointed under the convention of the eleventh April, 1839, and which were not decided by him, shall be referred to, and decided by, the umpire to be appointed, as provided by this convention, on the points submitted to the umpire under the late convention, and his decision shall be final and conclusive. It is also agreed, that if the respective commissioners shall deem it expedient, they may submit to the said arbiter new arguments upon the said claims.

MEXICO, 1853.

TREATY WITH MEXICO. CONCLUDED DECEMBER 30, 1853; RATIFICATIONS EXCHANGED JUNE 30, 1854; PROCLAIMED JUNE 30, 1854.

In the name of Almighty God.

The Republic of Mexico and the United States of America, desiring to remove every cause of disagreement which might interfere in any manner with the better friendship and intercourse between the two countries, and especially in respect to the true limits which should be established, when, notwithstanding what was covenanted in the treaty of Guadalupe Hidalgo in the year 1848, opposite interpretations have been urged, which might give occasion to questions of serious moment: To avoid these, and to strengthen and more firmly maintain the peace which happily prevails between the two republics, the President of the United States has, for this purpose, appointed James Gadsden, Envoy Extraordinary and Minister Plenipotentiary of the same near the Mexican Government, and the President of Mexico has appointed as Plenipotentiary "*ad hoc*" his excellency Don Manuel Diez de Bonilla, cavalier grand cross of the national and distinguished order of Guadalupe, and Secretary of State and of the office of Foreign Relations, and Don José Salazar Ylarregui and General Mariano Monterde, as scientific commissioners, invested with full powers for this negotiation; who, having communicated their respective full powers, and finding them in due and proper form, have agreed upon the articles following:

Negotiators.

ARTICLE I.

The Mexican Republic agrees to designate the following as her true limits with the United States for the future: Retaining the same dividing line between the two Californias as already defined and established, according to the 5th article of the treaty of Guadalupe Hidalgo, the limits between the two republics shall be as follows: Beginning in the Gulf of Mexico, three leagues from land,

Boundary between Mexico and the United States.

opposite the mouth of the Rio Grande, as provided in the fifth article of the treaty of Guadalupe Hidalgo; thence, as defined in the said article, up the middle of that river to the point where the parallel of 31° 47′ north latitude crosses the same; thence due west one hundred miles; thence south to the parallel of 31° 20′ north latitude; thence along the said parallel of 31° 20′ to the 111th meridian of longitude west of Greenwich; thence in a straight line to a point on the Colorado River twenty English miles below the junction of the Gila and Colorado Rivers; thence up the middle of the said river Colorado until it intersects the present line between the United States and Mexico.

Lines to be surveyed and marked.

For the performance of this portion of the treaty, each of the two Governments shall nominate one commissioner, to the end that, by common consent, the two thus nominated, having met in the city of Paso del Norte, three months after the exchange of the ratifications of this treaty, may proceed to survey and mark out upon the land the dividing line stipulated by this article, where it shall not have already been surveyed and established by the mixed commission, according to the treaty of Guadalupe, keeping a journal and making proper plans of their operations. For this purpose, if they should judge it it necessary, the contracting parties shall be at liberty each to unite to its respective commissioner scientific or other assistants, such as astronomers and surveyors, whose concurrence shall not be considered necessary for the settlement and ratification of a true line of division between the two republics; that line shall be alone established upon which the commissioners may fix, their consent in this particular being considered decisive and an integral part of this treaty, without necessity of ulterior ratification or approval, and without room for interpretation of any kind by either of the parties contracting.

The dividing line thus established shall, in all time, be faithfully respected by the two Governments, without any variation therein, unless of the express and free consent of the two, given in conformity to the principles of the law of nations, and in accordance with the constitution of each country, respectively.

In consequence, the stipulation in the 5th article of the treaty of Guadalupe upon the boundary line therein described is no longer of any force, wherein it may conflict with that here established, the said line being considered annulled and abolished wherever it may not coincide with the present, and in the same manner remaining in full force where in accordance with the same.

ARTICLE II.

Release of the obligations of Art. XI, of the treaty of Guadalupe Hidalgo.

The Government of Mexico hereby releases the United States from all liability on account of the obligations contained in the eleventh article of the treaty of Guadalupe Hidalgo; and the said article and the thirty-third article of the treaty of amity, commerce, and navigation between the United States of America and the United Mexican States, concluded at Mexico on the fifth day of April, 1831, are hereby abrogated.

ARTICLE III.

Mexico to be paid ten million dollars.

In consideration of the foregoing stipulations, the Government of the United States agrees to pay to the Government of Mexico, in the city of New York, the sum of ten millions of dollars, of which seven millions shall be paid immediately upon the exchange of

the ratifications of this treaty, and the remaining three millions as soon as the boundary line shall be surveyed, marked, and established.

ARTICLE IV.

The provisions of the 6th and 7th articles of the treaty of Guadalupe Hidalgo having been rendered nugatory for the most part by the cession of territory granted in the first article of this treaty, the said articles are hereby abrogated and annulled, and the provisions as herein expressed substituted therefor. The vessels and citizens of the United States shall, in all time, have free and uninterrupted passage through the Gulf of California, to and from their possessions situated north of the boundary line of the two countries. It being understood that this passage is to be by navigating the Gulf of California and the river Colorado, and not by land, without the express consent of the Mexican Government; and precisely the same provisions, stipulations, and restrictions, in all respects, are hereby agreed upon and adopted, and shall be scrupulously observed and enforced, by the two contracting Governments, in reference to the Rio Colorado, so far and for such distance as the middle of that river is made their common boundary line by the first article of this treaty.

Articles VI and VII of the treaty of Guadalupe Hidalgo annulled.

Free passage through the Gulf of California.

The several provisions, stipulations, and restrictions contained in the 7th article of the treaty of Guadalupe Hidalgo shall remain in force only so far as regards the Rio Bravo del Norte, below the initial of the said boundary provided in the first article of this treaty; that is to say, below the intersection of the 31° 47′ 30″ parallel of latitude, with the boundary line established by the late treaty dividing said river from its mouth upwards, according to the 5th article of the treaty of Guadalupe.

How far Art. VII of treaty of Guadalupe Hidalgo is to apply to the Rio Bravo del Norte.

ARTICLE V.

All the provisions of the eighth and ninth, sixteenth and seventeenth articles of the treaty of Guadalupe Hidalgo, shall apply to the territory ceded by the Mexican Republic in the first article of the present treaty, and to all the rights of persons and property, both civil and ecclesiastical, within the same, as fully and as effectually as if the said articles were herein again recited and set forth.

Articles VIII, IX, XVI, and XVII of the treaty of Guadalupe Hidalgo to apply to the country hereby ceded.

ARTICLE VI.

No grants of land within the territory ceded by the first article of this treaty bearing date subsequent to the day—twenty-fifth of September—when the Minister and subscriber to this treaty on the part of the United States proposed to the Government of Mexico to terminate the question of boundary, will be considered valid or be recognized by the United States, or will any grants made previously be respected or be considered as obligatory which have not been located and duly recorded in the archives of Mexico.

Grants of land by Mexico, after September 25, 1853, not to be valid.

ARTICLE VII.

Should there at any future period (which God forbid) occur any disagreement between the two nations which might lead to a rupture of their relations and reciprocal peace, they bind themselves in like manner to procure by every possible method the adjustment of every difference; and should they still in this manner

Provision in case of difficulties arising between the two nations.

not succeed, never will they proceed to a declaration of war without having previously paid attention to what has been set forth in article 21 of the treaty of Guadulupe for similar cases; which article, as well as the 22d, is here re-affirmed.

ARTICLE VIII.

Provisions respecting the road across the Isthmus of Tehuantepec.

The Mexican Government having on the 5th of February, 1853, authorized the early construction of a plank and rail road across the Isthmus of Tehuantepec, and, to secure the stable benefits of said transit way to the persons and merchandize of the citizens of Mexico and the United States, it is stipulated that neither Government will interpose any obstacle to the transit of persons and merchandize of both nations; and at no time shall higher charges be made on the transit of persons and property of citizens of the United States than may be made on the persons and property of other foreign nations, nor shall any interest in said transit way, nor in the proceeds thereof, be transferred to any foreign government.

Transportation of mails and property across the Isthmus.

The United States, by its agents, shall have the right to transport across the isthmus, in closed bags, the mails of the United States not intended for distribution along the line of communication; also the effects of the United States Government and its citizens, which may be intended for transit, and not for distribution on the isthmus, free of custom-house or other charges by the Mexican Government. Neither passports nor letters of security will be required of persons crossing the isthmus and not remaining in the country.

Port of entry to be opened.

When the construction of the railroad shall be completed, the Mexican Government agrees to open a port of entry in addition to the port of Vera Cruz, at or near the terminus of said road on the Gulf of Mexico.

Transportation of troops and munitions of war.

The two Governments will enter into arrangements for the prompt transit of troops and munitions of the United States, which that Government may have occasion to send from one part of its territory to another, lying on opposite sides of the continent.

United States may protect the road.

The Mexican Government having agreed to protect with its whole power the prosecution, preservation, and security of the work, the United States may extend its protection as it shall judge wise to it when it may feel sanctioned and warranted by the public or international law.

ARTICLE IX.

Ratifications.

This treaty shall be ratified, and the respective ratifications shall be exchanged at the city of Washington within the exact period of six months from the date of its signature, or sooner if possible.

In testimony whereof we, the Plenipotentiaries of the contracting parties, have hereunto affixed our hands and seals at Mexico, the thirtieth (30th) day of December, in the year of our Lord one thousand eight hundred and fifty-three, in the thirty-third year of the Independence of the Mexican Republic, and the seventy-eighth of that of the United States.

JAMES GADSDEN. [L. S.]
MANUEL DIEZ DE BONILLA. [L. S.]
JOSÉ SALAZAR YLARREGUI. [L. S.]
J. MARIANO MONTERDE. [L. S.]

MEXICO, 1861.

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF MEXICO FOR THE EXTRADITION OF CRIMINALS. CONCLUDED AT MEXICO DECEMBER 11, 1861; RATIFICATIONS EXCHANGED AT MEXICO, MAY 20, 1862; PROCLAIMED JUNE 20, 1862.

Treaty between the United States of America and the United Mexican States, for the Extradition of Criminals.

The United States of America and the United Mexican States, having judged it expedient, with a view to the better administration of justice and to the prevention of crime within their respective territories and jurisdictions, that persons charged with the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a treaty for this purpose, and have named as their respective Plenipotentiaries, that is to say:

Plenipotentiaries.

The President of the United States of America has appointed Thomas Corwin, a citizen of the United States, and their Envoy Extraordinary and Minister Plenipotentiary near the Mexican Government; and the President of the United Mexican States has appointed Sebastian Lerdo de Tejada, a citizen of the said States, and a Deputy of the Congress of the Union;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

Persons accused of certain crimes, committed, &c., to be delivered up on requisition

What proof required.

It is agreed that the contracting parties shall, on requisitions made in their name, through the medium of their respective diplomatic agents, deliver up to justice persons who, being accused of the crimes enumerated in article third of the present treaty, committed within the jurisdiction of the requiring party, shall seek an asylum, or shall be found within the territories of the other: *Provided*, That this shall be done only when the fact of the commission of the crime shall be so established as that the laws of the country in which the fugitive or the person so accused shall be found, would justify his or her apprehension and commitment for trial if the crime had been there committed.

ARTICLE II.

Crimes committed in the frontier States of either nation, requisition how made.

In the case of crimes committed in the frontier States or Territories of the two contracting parties, requisitions may be made through their respective diplomatic agents, or throug[h] the chief civil authority of said States or Territories, or through such chief civil or judicial authority of the districts or counties bordering on the frontier as may for this purpose be duly authorized by the said chief civil authority of the said frontier States or Territories, or when, from any cause, the civil authority of such State or Territory shall be suspended, through the chief military officer in command of such State or Territory.

ARTICLE III.

Crimes for which delivery is to be made.

Persons shall be so delivered up who shall be charged, according to the provisions of this treaty, with any of the following crimes, whether as principals, accesories, or accomplices, to wit: Murder, (including assassination, parricide, infanticide, and poisoning;) assault with intent to commit murder; mutilation; piracy; arson; rape; kidnapping, defining the same to be the taking and carrying away of a free person by force or deception; forgery, including the forging or making, or knowingly passing or putting in circulation counterfeit coin or bank notes, or other paper current as money, with intent to defraud any person or persons; the introduction or making of instruments for the fabrication of counterfeit coin or bank notes, or other paper current as money; embezzlement of public moneys; robbery, defining the same to be the felonious and forcible taking from the person of another of goods or money to any value, by violence or putting him in fear; burglary, defining the same to be breaking and entering into the house of another with intent to commit felony; and the crime of larceny of cattle, or other goods and chattels, of the value of twenty-five dollars or more, when the same is committed within the frontier States or Territories of the contracting parties.

ARTICLE IV.

Surrender to be made only by executive, except, &c.

On the part of each country the surrender of fugitives from justice shall be made only by the authority of the Executive thereof, except in the case of crimes committed within the limits of the frontier States or Territories, in which latter case the surrender may be made by the chief civil authority thereof, or such chief civil or judicial authority of the districts or counties bordering on the frontier as may for this purpose be duly authorized by the said chief civil authority of the said frontier States or Territories, or if, from any cause, the civil authority of such State or Territory shall be suspended, then such surrender may be made by the chief military officer in command of such State or Territory.

ARTICLE V.

Expenses of detention and delivery, how to be borne.

All expenses whatever of detention and delivery effected in virtue of the preceding provisions shall be borne and defrayed by the Government or authority of the frontier State or Territory in whose name the requisition shall have been made.

ARTICLE VI.

Political offences not included.

Fugitive slaves.

Slaves.

Past offences.

The provisions of the present treaty shall not be applied in any manner to any crime or offence of a purely political character, nor shall it embrace the return of fugitive slaves, nor the delivery of criminals who, when the offence was committed, shall have been held in the place where the offence was committed in the condition of slaves, the same being expressly forbidden by the Constitution of Mexico; nor shall the provisions of the present treaty be applied in any manner to the crimes enumerated in the third article committed anterior to the date of the exchange of the ratifications hereof.

Citizens not to be surrendered.

Neither of the contracting parties shall be bound to deliver up its own citizens under the stipulations of this treaty.

ARTICLE VII.

This treaty shall continue in force until it shall be abrogated by the contracting parties, or one of them; but it shall not be abrogated except by mutual consent, unless the party desiring to abrogate it shall give twelve months' previous notice.

Treaty, how long to continue.

How terminated.

ARTICLE VIII.

The present treaty shall be ratified in conformity with the Constitutions of the two countries, and the ratifications shall be exchanged at the city of Mexico within six months from the date hereof, or earlier if possible.

Ratifications, when to be exchanged.

In witness whereof we, the Plenipotentiaries of the United States of America and of the United Mexican States, have signed and sealed these presents.

Done in the city of Mexico on the eleventh day of December, in the year of our Lord one thousand eight hundred and sixty-one, the eighty-sixth of the Independence of the United States of America, and the forty-first of that of the United Mexican States.

Signature.

THOS. CORWIN. [L. S.]
SEB'N LERDO DE TEJADA. [L. S.]

MEXICO, 1868.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF MEXICO FOR THE ADJUSTMENT OF CLAIMS. CONCLUDED JULY 4, 1868; RATIFICATIONS EXCHANGED FEBRUARY 1, 1869; PROCLAIMED FEBRUARY 1, 1869.

Whereas it is desirable to maintain and increase the friendly feelings between the United States and the Mexican Republic, and so to strengthen the system and principles of republican government on the American continent; and whereas since the signature of the treaty of Guadalupe Hidalgo, of the 2d of February, 1848, claims and complaints have been made by citizens of the United States, on account of injuries to their persons and their property by authorities of that republic, and similar claims and complaints have been made on account of injuries to the persons and property of Mexican citizens by authorities of the United States, the President of the United States of America and the President of the Mexican Republic have resolved to conclude a convention for the adjustment of the said claims and complaints, and have named as their Plenipotentiaries, the President of the United States, William H. Seward, Secretary of State; and the President of the Mexican Republic, Matias Romero, accredited as Envoy Extraordinary and Minister Plenipotentiary of the Mexican Republic to the United States; who, after having communicated to each other their respective full powers, found in good and due form, have agreed to the following articles:

Contracting parties.

ARTICLE I.

All claims on the part of corporations, companies, or private individuals, citizens of the United States, upon the Government of the Mexican Republic, arising from injuries to their persons or property by authorities of the Mexican Republic, and all

Claims upon both countries to be submitted to the commissioners.

claims on the part of corporations, companies, or private individuals, citizens of the Mexican Republic, upon the Government of the United States, arising from injuries to their persons or property by authorities of the United States, which may have been presented to either Government for its interposition with the other since the signature of the treaty of Guadalupe Hidalgo between the United States and the Mexican Republic of the 2d of February, 1848, and which yet remain unsettled, as well as any other such claims which may be presented within the time hereinafter specified, shall be referred to two commissioners, one to be appointed by the President of the United States, by and with the advice and consent of the Senate, and one by the President of the Mexican Republic. In case of the death, absence, or incapacity of either commissioner, or in the event of either commissioner omitting or ceasing to act as such, the President of the United States or the President of the Mexican Republic, respectively, shall forthwith name another person to act as commissioner in the place or stead of the commissioner originally named.

Provision for the death, absence, &c., of either commissioner.

The commissioners so named shall meet at Washington within six months after the exchange of the ratifications of this convention, and shall, before proceeding to business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to public law, justice, and equity, without fear, favor, or affection to their own country, upon all such claims above specified as shall be laid before them on the part of the Governments of the United States and of the Mexican Republic, respectively; and such declaration shall be entered on the record of their proceedings.

Commissioners to meet in Washington within six months.

To subscribe a solemn declaration which shall be entered of record.

The commissioners shall then name some third person to act as an umpire in any case or cases on which they may themselves differ in opinion. If they should not be able to agree upon the name of such third person, they shall each name a person, and in each and every case in which the commissioners may differ in opinion as to the decision which they ought to give, it shall be determined by lot which of the two persons so named shall be umpire in that particular case. The person or persons so to be chosen to be umpire shall, before proceeding to act as such in any case, make and subscribe a solemn declaration in a form similar to that which shall already have been made and subscribed by the commissioners, which shall be entered on the record of their proceedings. In the event of the death, absence, or incapacity of such person or persons, or of his or their omitting, or declining, or ceasing to act as such umpire, another and different person shall be named, as aforesaid, to act as such umpire, in the place of the person so originally named, as aforesaid, and shall make and subscribe such declaration as aforesaid.

Commissioners to name an umpire.

If they cannot agree upon an umpire, each shall name a person, and it shall be decided by lot in any case which of the two shall act as umpire in that case.

The umpire to subscribe a solemn declaration.

If umpire declines to act, &c., another may be named.

ARTICLE II.

The commissioners shall then conjointly proceed to the investigation and decision of the claims which shall be presented to their notice, in such order and in such manner as they may conjointly think proper, but upon such evidence or information only as shall be furnished by or on behalf of their respective governments. They shall be bound to receive and peruse all written documents or statements which may be presented to them

Commissioners to proceed to investigate and decide claims.

Mode of proceeding.

by or on behalf of their respective governments in support of, or in answer to any claim, and to hear, if required, one person on each side on behalf of each government on each and every separate claim. Should they fail to agree in opinion upon any individual claim, they shall call to their assistance the umpire whom they may have agreed to name, or who may be determined by lot, as the case may be; and such umpire, after having examined the evidence adduced for and against the claim, and after having heard, if required, one person on each side as aforesaid, and consulted with the commissioners, shall decide thereupon finally and without appeal. The decision of the commissioners and of the umpire shall be given upon each claim in writing, shall designate whether any sum which may be allowed shall be payable in gold or in the currency of the United States, and shall be signed by them respectively. It shall be competent for each government to name one person to attend the commissioners as agent on its behalf, to present and support claims on its behalf, and to answer claims made upon it, and to represent it generally in all matters connected with the investigation and decision thereof.

Umpire to be called in, if, &c.

Decisions to be given in writing.

Each Government may name one agent to attend the commission on its behalf.

The President of the United States of America and the President of the Mexican Republic hereby solemnly and sincerely engage to consider the decision of the commissioners conjointly, or of the umpire, as the case may be, as absolutely final and conclusive upon each claim decided upon by them or him, respectively, and to give full effect to such decisions without any objection, evasion, or delay whatsoever.

Decisions to be absolutely final and conclusive, and full effect to be given thereto.

It is agreed that no claim arising out of a transaction of a date prior to the 2d of February, 1848, shall be admissible under this convention.

No claim to be considered arising from any transaction prior to Feb. 2, 1848.

ARTICLE III.

Every claim shall be presented to the commissioners within eight months from the day of their first meeting, unless in any case where reasons for delay shall be established to the satisfaction of the commissioners, or of the umpire in the event of the commissioners differing in opinion thereupon, and then and in any such case the period for presenting the claim may be extended to any time not exceeding three months longer.

Claims to be presented within eight months of the day of their first meeting, unless, &c.

Time not to be extended for over three months longer.

The commissioners shall be bound to examine and decide upon every claim within two years and six months from the day of their first meeting. It shall be competent for the commissioners conjointly, or for the umpire if they differ, to decide in each case whether any claim has or has not been duly made, preferred, and laid before them, either wholly or to any and what extent, according to the true intent and meaning of this convention.

Commissioners to decide upon every claim within what time.

ARTICLE IV.

When decisions shall have been made by the commissioners and the arbiter in every case which shall have been laid before them, the total amount awarded in all the cases decided in favor of the citizens of the one party shall be deducted from the total amount awarded to the citizens of the other party, and the balance, to the amount of three hundred thousand dollars, shall be paid at the city of Mexico or at the city of Washington, in gold or its equivalent, within twelve months

The awards in favor of the citizens of one country to be deducted from those in favor of the citizens of the other country, and the balance, to the amount of $300,000, to be paid in twelve months, &c.

from the close of the commission, to the government in favor of whose citizens the greater amount may have been awarded, without interest or any other deduction than that specified in Article VI of this convention. The residue of the said balance shall be paid in annual instalments to an amount not exceeding three hundred thousand dollars, in gold or its equivalent, in any one year until the whole shall have been paid.

The residue of the balance, when and how to be paid.

ARTICLE V.

The high contracting parties agree to consider the result of the proceedings of this commission as a full, perfect, and final settlement of every claim upon either government arising out of any transaction of a date prior to the exchange of the ratifications of the present convention; and further engage that every such claim, whether or not the same may have been presented to the notice of, made, preferred, or laid before the said commission, shall, from and after the conclusion of the proceedings of the said commission, be considered and treated as finally settled, barred, and thenceforth inadmissible.

This commission to make a full and final settlement of all claims prior to the exchange of the ratifications hereof.

ARTICLE VI.

The commissioners and the umpire shall keep an accurate record and correct minutes of their proceedings, with the dates. For that purpose they shall appoint two secretaries versed in the language of both countries to assist them in the transaction of the business of the commission. Each government shall pay to its commissioner an amount of salary not exceeding forty-five hundred dollars a year in the currency of the United States, which amount shall be the same for both governments. The amount of compensation to be paid to the umpire shall be determined by mutual consent at the close of the commission, but necessary and reasonable advances may be made by each government upon the joint recommendation of the commission. The salary of the secretaries shall not exceed the sum of twenty-five hundred dollars a year in the currency of the United States. The whole expenses of the commission, including contingent expenses, shall be defrayed by a ratable deduction on the amount of the sums awarded by the commission, provided always that such deduction shall not exceed five per cent. on the sums so awarded. The deficiency, if any, shall be defrayed in moieties by the two governments.

Records of the proceedings of the commission.

Secretaries.

Salaries.

Whole expenses to be deducted from sums awarded, but not to exceed five per cent. thereof.

ARTICLE VII.

The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the President of the Mexican Republic, with the approbation of the Congress of that Republic; and the ratifications shall be exchanged at Washington within nine months from the date hereof, or sooner if possible.

Ratifications, when to be exchanged.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Washington, the fourth day of July, in the year of our Lord one thousand eight hundred and sixty-eight.

Signature.

WILLIAM H. SEWARD. [L. S.]
M. ROMERO. [L. S.]

MEXICO, 1868.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF MEXICO, FOR REGULATING THE CITIZENSHIP OF EMIGRANTS. CONCLUDED JULY 10, 1868; RATIFICATIONS EXCHANGED FEBRUARY 1, 1869; PROCLAIMED FEBRUARY 1, 1869.

Contracting parties.

The President of the United States of America and the President of the Republic of Mexico, being desirous of regulating the citizenship of persons who emigrate from Mexico to the United States of America, and from the United States of America to the Republic of Mexico, have decided to treat on this subject, and with this object have named as Plenipotentiaries, the President of the United States, William H. Seward, Secretary of State; and the President of Mexico, Matias Romero, accredited as Envoy Extraordinary and Minister Plenipotentiary of the Republic of Mexico near the Government of the United States; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Citizens of the one country naturalized in the other, to be held and treated as citizens of such other country.

Declaration of intention to become a citizen not to have the effect of naturalization.

Those citizens of the United States who have been made citizens of the Mexican Republic by naturalization, and have resided, without interruption, in Mexican territory five years, shall be held by the United States as citizens of the Mexican Republic, and shall be treated as such. Reciprocally, citizens of the Mexican Republic who have become citizens of the United States, and who have resided uninterruptedly in the territory of the United States for five years, shall be held by the Republic of Mexico as citizens of the United States, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization. This article shall apply as well to those already naturalized in either of the countries contracting as to those hereafter naturalized.

ARTICLE II.

Naturalized citizens returning to original country, liable to trial for offences committed before emigration.

Naturalized citizens of either of the contracting parties, on return to the territory of the other, remain liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration; saving always the limitations established by his original country.

ARTICLE III.

Convention of December 11, 1861, for the extradition of fugitives from justice to remain in full force.

The convention for the surrender in certain cases of criminals, fugitives from justice, concluded between the United States of America of the one part, and the Mexican Republic on the other part, on the eleventh day of December, one thousand eight hundred and sixty-one, shall remain in full force without any alteration.

ARTICLE IV.

Naturalization, how may be renounced.

If a citizen of the United States naturalized in Mexico renews his residence in the United States without the intent to return to Mexico, he shall be held to have renounced his naturali-

zation in Mexico. Reciprocally, if a Mexican naturalized in the United States renews his residence in Mexico without the intent to return to the United States, he shall be held to have renounced his naturalization in the United States.

When the intent not to return may be held to exist.

The intent not to return may be held to exist when the person naturalized in the one country resides in the other country more than two years, but this presumption may be rebutted by evidence to the contrary.

ARTICLE V.

When this convention shall take effect and how long remain in force.

The present convention shall go into effect immediately on the exchange of ratifications, and it shall remain in full force for ten years. If neither of the contracting parties shall give notice to the other six months previously of its intention to terminate the same, it shall further remain in force until twelve months after either of the contracting parties shall have given notice to the other of such intention.

ARTICLE VI.

Ratifications, when to be exchanged.

The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the President of the Mexican Republic, with the approval of the Congress of that republic, and the ratifications shall be exchanged in Washington within nine months from the date hereof.

In faith whereof the Plenipotentiaries have signed and sealed this convention at the city of Washington, this tenth day of July, in the year of our Lord one thousand eight hundred and sixty-eight.

WILLIAM H. SEWARD. [L. S.]
M. ROMERO. [L. S.]

[The treaty of Guadalupe Hidalgo did not protect the rights of property of Mexican citizens in the former Republic of Texas. (*McKinney* vs. *Saviego*, 18 *Howard*, 235.)]

MEXICO, 1871.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED STATES OF MEXICO FOR EXTENSION OF THE DURATION OF THE JOINT COMMISSION FOR SETTLEMENT OF CLAIMS. SIGNED APRIL 19, 1871; RATIFICATIONS EXCHANGED FEBRUARY 8, 1872; PROCLAIMED FEBRUARY 8, 1872.

Whereas a convention was concluded on the 4th day of July, 1868, between the United States of America and the United States of Mexico, for the settlement of outstanding claims that have originated since the signing of the treaty of Guadalupe Hidalgo, on the 2d of February, 1848, by a mixed commission limited to endure for two years and six months from the day of the first meeting of the commissioners; and whereas doubts have arisen as to the practicability of the business of the said commission being concluded within the period assigned:

Contracting parties.

The President of the United States of America and the President of the United States of Mexico are desirous that the time originally fixed for the duration of the said commission should be

extended, and to this end have named Plenipotentiaries to agree upon the best mode of effecting this object that is to say: The President of the United States of America, Thomas H. Nelson, accredited as Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Mexican Republic; and the President of the United States of Mexico, Manuel Azpiroz, Chief Clerk and in charge of the Ministry of Foreign Relations of the United States of Mexico; who, after having presented their respective powers, and finding them sufficient and in due form, have agreed upon the following articles:

ARTICLE I.

The high contracting parties agree that the term assigned in the convention of the 4th of July, 1868, above referred to, for the duration of the said commission, shall be extended for a time not exceeding one year from the day when the functions of the said commission would terminate according to the convention referred to, or for a shorter time if it should be deemed sufficient by the commissioners, or the umpire in case of their disagreement.

Duration of joint commission for settlement of claims extended for one year.

It is agreed that nothing contained in this article shall in anywise alter or extend the time originally fixed in the said convention for the presentation of claims to the mixed commission.

ARTICLE II.

The present convention shall be ratified, and the ratifications shall be exchanged at Washington, as soon as possible.

When this convention is to be ratified.

In witness whereof the above-mentioned Plenipotentiaries have signed the same and affixed their respective seals.

Signature.

Done in the city of Mexico the 19th day of April, in the year one thousand eight hundred and seventy-one.

THOMAS H. NELSON. [SEAL.]
MANUEL AZPIROZ. [SEAL.]

MOROCCO.

MOROCCO, 1787.

TREATY OF PEACE AND FRIENDSHIP BETWEEN THE UNITED STATES OF AMERICA AND HIS IMPERIAL MAJESTY THE EMPEROR OF MOROCCO. CONCLUDED JANUARY, 1787; RATIFIED BY THE CONGRESS OF THE UNITED STATES JULY 18, 1787.

To all persons to whom these presents shall come or be made known:

Whereas the United States of America, in Congress assembled, by their commission bearing date the twelfth day of May, one thousand seven hundred and eighty-four, thought proper to constitute John Adams, Benjamin Franklin, and Thomas Jefferson, their Ministers Plenipotentiary, giving to them, or a majority of them, full powers to confer, treat, and negotiate with the Ambassador, Minister, or Commissioner of his Majesty the Emperor of Morocco, concerning a treaty of amity and commerce; to make and receive propositions for such treaty, and to conclude and sign the same, transmitting it to the United States in Congress assembled, for their final ratification; and by one other commission, bearing date the eleventh day of March, one thousand seven hundred and eighty-five, did further empower the said Ministers Plenipotentiary, or a majority of them, by writing under their hands and seals, to appoint such agent in the said business as they might think proper, with authority under the directions and instructions of the said Ministers, to commence and prosecute the said negotiations and conferences for the said treaty, provided that the said treaty should be signed by the said Ministers: And whereas we, the said John Adams and Thomas Jefferson, two of the said Ministers Plenipotentiary, (the said Benjamin Franklin being absent,) by writing under the hand and seal of the said John Adams at London, October the fifth, one thousand seven hundred and eighty-five, and of the said Thomas Jefferson at Paris, October the eleventh of the same year, did appoint Thomas Barclay agent in the business aforesaid, giving him the powers therein, which, by the said second commission, we were authorized to give, and the said Thomas Barclay, in pursuance thereof, hath arranged articles for a treaty of amity and commerce between the United States of America and His Majesty the Emperor of Morocco, which articles, written in the Arabic language, confirmed by His said Majesty the Emperor of Morocco, and sealed with his royal seal, being translated into the language of the said United States of America, together with the attestations thereto annexed, are in the following words, to wit:

[ROYAL SEAL.]

In the name of Almighty God.

This is a treaty of peace and friendship established between us and the United States of America, which is confirmed, and which we have ordered to be written in this book, and sealed with our royal seal, at our court of Morocco, on the twenty-fifth day of the blessed month of Sha-

ban, in the year one thousand two hundred, trusting in God it will remain permanent.

ARTICLE I.

We declare that both parties have agreed that this treaty, consisting of twenty-five articles, shall be inserted in this book, and delivered to the Honorable Thomas Barclay, the agent of the United States, now at our court, with whose approbation it has been made, and who is duly authorized on their part to treat with us concerning all the matters contained therein.

Emperor's consent to the treaty.

ARTICLE II.

If either of the parties shall be at war with any nation whatever, the other party shall not take a commission from the enemy, nor fight under their colors.

Commissions from an enemy.

ARTICLE III.

If either of the parties shall be at war with any nation whatever, and take a prize belonging to that nation, and there shall be found on board subjects or effects belonging to either of the parties, the subjects shall be set at liberty, and the effects returned to the owners. And if any goods belonging to any nation, with whom either of the parties shall be at war, shall be loaded on vessels belonging to the other party, they shall pass free and unmolested, without any attempt being made to take or detain them.

Case of captures.

ARTICLE IV.

A signal or pass shall be given to all vessels belonging to both parties, by which they are to be known when they meet at sea; and if the commander of a ship of war of either party shall have other ships under his convoy, the declaration of the commander shall alone be sufficient to exempt any of them from examination.

Signal to be given to vessels.

ARTICLE V.

If either of the parties shall be at war, and shall meet a vessel at sea belonging to the other, it is agreed, that if an examination is to be made, it shall be done by sending a boat with two or three men only; and if any gun shall be fired, and injury done without reason, the offending party shall make good all damages.

How vessels shall be examined in time of war.

ARTICLE VI.

If any Moor shall bring citizens of the United States, or their effects, to His Majesty, the citizens shall immediately be set at liberty, and the effects restored; and in like manner, if any Moor, not a subject of these dominions, shall make prize of any of the citizens of America, or their effects, and bring them into any of the ports of His Majesty, they shall be immediately released, as they will then be considered as under His Majesty's protection.

Citizens of the United States captured.

ARTICLE VII.

If any vessel of either party shall put into a port of the other, and have occasion for provisions or other supplies, they shall be furnished without any interruption or molestation.

Vessels wanting supplies.

ARTICLE VIII.

Provision in case of misfortune.

If any vessel of the United States shall meet with a disaster at sea, and put into one of our ports to repair, she shall be at liberty to land and re-load her cargo, without paying any duty whatever.

ARTICLE IX.

Shipwreck.

If any vessel of the United States shall be cast on shore on any part of our coasts, she shall remain at the disposition of the owners, and no one shall attempt going near her without their approbation, as she is then considered particularly under our protection; and if any vessel of the United States shall be forced to put into our ports by stress of weather or otherwise, she shall not be compelled to land her cargo, but shall remain in tranquillity until the commander shall think proper to proceed on his voyage.

ARTICLE X.

Vessels protected in certain cases.

If any vessel of either of the parties shall have an engagement with a vessel belonging to any of the Christian Powers within gun-shot of the forts of the other, the vessel so engaged shall be defended and protected as much as possible until she is in safety; and if any American vessel shall be cast on shore on the coast of Wadnoon, or any coast thereabout, the people belonging to her shall be protected and assisted, until, by the help of God, they shall be sent to their country.

ARTICLE XI.

Privileges of vessels in case of war.

If we shall be at war with any Christian Power, and any of our vessels sail from the ports of the United States, no vessel belonging to the enemy shall follow until twenty-four hours after the departure of our vessels; and the same regulation shall be observed towards the American vessels sailing from our ports, be their enemies Moors or Christians.

ARTICLE XII.

Ships of war belonging to United States.

If any ship of war belonging to the United States shall put into any of our ports, she shall not be examined on any pretence whatever, even though she should have fugitive slaves on board, nor shall the governor or commander of the place compel them to be brought on shore on any pretext, nor require any payment for them.

ARTICLE XIII.

Ships of war to be saluted.

If a ship of war of either party shall put into a port of the other and salute, it shall be returned from the fort with an equal number of guns, not with more or less.

ARTICLE XIV.

Most favored nation.

The commerce with the United States shall be on the same footing as is the commerce with Spain, or as that with the most favored nation for the time being; and their citizens shall be respected and esteemed, and have full liberty to pass and repass our country and seaports whenever they please, without interruption.

ARTICLE XV.

Merchants of both countries shall employ only such interpreters, and such other persons to assist them in their business, as they shall think proper. No commander of a vessel shall transport his cargo on board another vessel; he shall not be detained in port longer than he may think proper; and all persons employed in loading or unloading goods, or in any other labor whatever, shall be paid at the customary rates, not more and not less.

Privileges of merchants.

ARTICLE XVI.

In case of a war between the parties, the prisoners are not to be made slaves, but to be exchanged one for another, captain for captain, officer for officer, and one private man for another; and if there shall prove a deficiency on either side, it shall be made up by the payment of one hundred Mexican dollars for each person wanting. And it is agreed that all prisoners shall be exchanged in twelve months from the time of their being taken, and that this exchange may be effected by a merchant or any other person authorized by either of the parties.

In case of war, prisoners to be exchanged.

ARTICLE XVII.

Merchants shall not be compelled to buy or sell any kind of goods but such as they shall think proper; and may buy and sell all sorts of merchandise but such as are prohibited to the other Christian nations.

Merchants may buy and sell all goods, except, &c.

ARTICLE XVIII.

All goods shall be weighed and examined before they are sent on board, and to avoid all detention of vessels, no examination shall afterwards be made, unless it shall first be proved that contraband goods have been sent on board, in which case the persons who took the contraband goods on board shall be punished according to the usage and custom of the country, and no other person whatever shall be injured, nor shall the ship or cargo incur any penalty or damage whatever.

Goods to be examined before sent on board.

ARTICLE XIX.

No vessel shall be detained in port on any pretence whatever, nor be obliged to take on board any article without the consent of the commander, who shall be at full liberty to agree for the freight of any goods he takes on board.

Vessels not to be detained.

ARTICLE XX.

If any of the citizens of the United States, or any persons under their protection, shall have any disputes with each other, the Consul shall decide between the parties, and whenever the Consul shall require any aid or assistance from our Government, to enforce his decisions, it shall be immediately granted to him.

Disputes.

ARTICLE XXI.

If a citizen of the United States should kill or wound a Moor, or, on

Crimes.

the contrary, if a Moor shall kill or wound a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the Consul assisting at the trial; and if any delinquent shall make his escape, the Consul shall not be answerable for him in any manner whatever.

ARTICLE XXII.

Estates of deceased citizens.

If an American citizen shall die in our country, and no will shall appear, the Consul shall take possession of his effects; and if there shall be no Consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them; but if the heir to the person deceased be present, the property shall be delivered to him without interruption; and if a will shall appear, the property shall descend agreeable to that will as soon as the Consul shall declare the validity thereof.

ARTICLE XXIII.

Consuls and their privileges.

The Consuls of the United States of America shall reside in any sea-port of our dominions that they shall think proper; and they shall be respected and enjoy all the privileges which the Consuls of any other nation enjoy; and if any of the citizens of the United States shall contract any debts or engagements, the Consul shall not be in any manner accountable for them, unless he shall have given a promise in writing for the payment or fulfilling thereof, without which promise, in writing, no application to him for any redress shall be made.

ARTICLE XXIV.

Case of war.

If any differences shall arise by either party infringing on any of the articles of this treaty, peace and harmony shall remain notwithstanding in the fullest force, until a friendly application shall be made for an arrangement, and until that application shall be rejected, no appeal shall be made to arms. And if a war shall break out between the parties, nine months shall be granted to all the subjects of both parties, to dispose of their effects and retire with their property. And it is further declared, that whatever indulgences, in trade or otherwise, shall be granted to any of the Christian Powers, the citizens of the United States shall be equally entitled to them.

ARTICLE XXV.

Duration of treaty.

This treaty shall continue in full force, with the help of God, for fifty years.

We have delivered this book into the hands of the beforementioned Thomas Barclay, on the first day of the blessed month of Ramadan, in the year one thousand two hundred.

I certify that the annexed is a true copy of the translation made by Isaac Cardoza Nuñez, interpreter at Morocco, of the treaty between the Emperor of Morocco and the United States of America.

THOS. BARCLAY.

ADDITIONAL ARTICLE.

Grace to the only God.

I, the under-written, the servant of God, Taher Ben Abdelkack Ten-

nish, do certify that His Imperial Majesty, my master, (whom God preserve,) having concluded a treaty of peace and commerce with the United States of America, has ordered me, the better to compleat it, and in addition of the tenth article of the treaty to declare, "That if any vessel belonging to the United States shall be in any of the ports of His Majesty's dominions, or within gun-shot of his forts, she shall be protected as much as possible; and no vessel whatever, belonging either to Moorish or Christian Powers, with whom the United States may be at war, shall be permitted to follow or engage her, as we now deem the citizens of America our good friends."

Vessels of United States to be protected.

And, in obedience to His Majesty's commands, I certify this declaration, by putting my hand and seal to it, on the eighteenth day of Ramadan, (*a*) in the year one thousand two hundred.

The servant of the King, my master, whom God preserve,

TAHER BEN ABDELKAOK TENNISH.

I do certify that the above is a true copy of the translation made at Morocco, by Isaac Cordoza Nunez, interpreter, of a declaration made and signed by Sidi Hage Taher Tennish, in addition to the treaty between the Emperor of Morocco and the United States of America, which declaration the said Taher Tennish made by the express directions of His Majesty.

THOS. BARCLAY.

Now, know ye, that we, the said John Adams and Thomas Jefferson, Ministers Plenipotentiary aforesaid, do approve and conclude the said treaty, and every article and clause therein contained, reserving the same nevertheless to the United States in Congress assembled, for their final ratification.

In testimony whereof, we have signed the same with our names and seals, at the places of our respective residence, and at the dates expressed under our signatures respectively.

JOHN ADAMS, [L. S.]
London, January 25th, 1787.
THOM. JEFFERSON, [L. S.]
Paris, January 1st, 1787.

MOROCCO, 1836.

TREATY WITH MOROCCO. CONCLUDED SEPTEMBER 16, 1836; RATIFIED BY THE PRESIDENT OF THE UNITED STATES JANUARY 28, 1837, AND PROCLAIMED BY HIM JANUARY 30, 1837.

In the name of God, the Merciful and Clement!

Emperor's seal.

Abd Errahman Ibenu Kesham, whom God exalt!

(*a*) The Ramadan of the year of the Hegira 1200, commenced on the 28th of June, in the year of our Lord 1786.

PRAISE BE TO GOD!

This is the copy of the treaty of peace which we have made with the Americans, and written in this book; affixing thereto our blessed seal, that, with the help of God, it may remain firm forever.

Written at Meccanez, the City of Olives, on the 3d day of the month Jumad el lahhar, in the year of the Hegira 1252. (Corresponding to September 16, A. D. 1836.)

ARTICLE I.

We declare that both parties have agreed that this treaty, consisting of twenty five articles, shall be inserted in this book, and delivered to James R. Leib, Agent of the United States, and now their resident Consul at Tangier, with whose approbation it has been made, and who is duly authorized on their part to treat with us concerning all the matters contained therein.

ARTICLE II.

If either of the parties shall be at war with any nation whatever, the other shall not take a commission from the enemy, nor fight under their colors.

ARTICLE III.

If either of the parties shall be at war with any nation whatever, and take a prize belonging to that nation, and there shall be found on board subjects or effects belonging to either of the parties, the subjects shall be set at liberty, and the effects returned to the owners. And if any goods belonging to any nation, with whom either of the parties shall be at war, shall be loaded on vessels belonging to the other party, they shall pass free and unmolested, without any attempt being made to take or detain them.

ARTICLE IV.

Vessels to have passports.

A signal, or pass, shall be given to all vessels belonging to both parties, by which they are to be known when they meet at sea; and if the commander of a ship of war of either party shall have other ships under his convoy, the declaration of the commander shall alone be sufficient to exempt any of them from examination.

ARTICLE V.

Visit of vessels at sea.

If either of the parties shall be at war, and shall meet a vessel at sea belonging to the other, it is agreed, that if an examination is to be made, it shall be done by sending a boat with two or three men only; and if any gun shall be fired, and injury done, without reason, the offending party shall make good all damages.

ARTICLE VI.

American citizens and effects to be restored.

If any Moor shall bring citizens of the United States, or their effects, to His Majesty, the citizens shall immediately be set at liberty, and the effects restored; and, in like manner, if any Moor, not a subject of these dominions, shall make prize of any of the citizens of America or their effects, and bring them into any of the ports of His Majesty, they shall be immediately released, as they will then be considered as under His Majesty's protection.

ARTICLE VII.

If any vessel of either party shall put into a port of the other, and have occasion for provisions or other supplies, they shall be furnished without any interruption or molestation.

Vessels in port to be supplied.

ARTICLE VIII.

If any vessel of the United States shall meet with a disaster at sea, and put into one of our ports to repair, she shall be at liberty to land and reload her cargo, without paying any duty whatever.

Vessels putting in to repair.

ARTICLE IX.

If any vessel of the United States shall be cast on shore on any part of our coasts, she shall remain at the disposition of the owners, and no one shall attempt going near her without their approbation, as she is then considered particularly under our protection; and if any vessel of the United States shall be forced to put into our ports by stress of weather, or otherwise, she shall not be compelled to land her cargo, but shall remain in tranquillity until the commander shall think proper to proceed on his voyage.

Stranded vessels.

ARTICLE X.

If any vessel of either of the parties shall have an engagement with a vessel belonging to any of the Christian Powers, within gun-shot of the forts of the other, the vessel so engaged shall be defended and protected as much as possible, until she is in safety; and if any American vessel shall be cast on shore, on the coast of Wadnoon, or any coast thereabout, the people belonging to her shall be protected and assisted until, by the help of God, they shall be sent to their country.

Vessels engaged within gun-shot of fort.

ARTICLE XI.

If we shall be at war withany Christian Power, and any of our vessels sails from the ports of the United States, no vessel belonging to the enemy shall follow until twenty-four hours after the departure of our vessels; and the same regulations shall be observed towards the American vessels sailing from our ports, be their enemies Moors or Christians.

Enemy's vessels.

ARTICLE XII.

If any ship of war belonging to the United States shall put into any of our ports, she shall not be examined on any pretence whatever, even though she should have fugitive slaves on board, nor shall the governor or commander of the place compel them to be brought on shore on any pretext, nor require any payment for them.

Ships of war.

ARTICLE XIII.

If a ship of war of either party shall put into a port of the other, and salute, it shall be returned from the fort with an equal number of guns, not more or less.

Salutes.

ARTICLE XIV.

Most favored footing.

The commerce with the United States shall be on the same footing as is the commerce with Spain, or as that with the most favored nation for the time being; and their citizens shall be respected and esteemed, and have full liberty to pass and repass our country and seaports whenever they please, without interruption.

ARTICLE XV.

Interpreters, &c.

Merchants of both countries shall employ only such interpreters, and such other persons to assist them in their business as they shall think proper. No commander of a vessel shall transport his cargo on board another vessel; he shall not be detained in port longer than he may think proper; and all persons employed in loading or unloading goods, or in any other labor whatever, shall be paid at the customary rates, not more and not less.

ARTICLE XVI.

Exchange of prisoners.

In case of a war between the parties, the prisoners are not to be made slaves, but to be exchanged, one for another, captain for captain, officer for officer, and one private man for another; and if there shall prove a deficiency on either side, it shall be made up by the payment of one hundred Mexican dollars for each person wanting. And it is agreed that all prisoners shall be exchanged in twelve months from the time of their being taken, and that this exchange may be effected by a merchant or any other person authorized by either of the parties.

ARTICLE XVII.

Buying or selling.

Merchants shall not be compelled to buy or sell any kind of goods but such as they shall think proper, and may buy and sell all sorts of merchandise but such as are prohibited to the other Christian nations.

ARTICLE XVIII.

Examination of goods on board.

All goods shall be weighed and examined before they are sent on board; and to avoid all detention of vessels, no examination shall afterwards be made, unless it shall first be proved that contraband goods have been sent on board, in which case the persons who took the contraband goods on board shall be punished according to the usage and custom of the country, and no other person whatever shall be injured, nor shall the ship or cargo incur any penalty or damage whatever.

ARTICLE XIX.

Detention of vessels.

No vessel shall be detained in port on any pretence whatever, nor be obliged to take on board any article without the consent of the commander, who shall be at full liberty to agree for the freight of any goods he takes on board.

ARTICLE XX.

If any of the citizens of the United States, or any persons under their

protection, shall have any dispute with each other, the Consul shall decide between the parties; and whenever the Consul shall require any aid or assistance from our Government to enforce his decisions, it shall be immediately granted to him.

Disputes between Americans, &c.

ARTICLE XXI.

If a citizen of the United States should kill or wound a Moor, or, on the contrary, if a Moor shall kill or wound a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the Consul assisting at the trial; and if any delinquent shall make his escape, the Consul shall not be answerable for him in any manner whatever.

Killing, &c., punishable by the law of the country.

ARTICLE XXII.

If an American citizen shall die in our country and no will shall appear, the Consul shall take possession of his effects; and if there shall be no Consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them; but if the heir to the person deceased be present, the property shall be delivered to him without interruption; and if a will shall appear, the property shall descend agreeably to that will, as soon as the Consul shall declare the validity thereof.

Persons dying intestate.

ARTICLE XXIII.

The Consul of the United States of America shall reside in any seaport of our dominions that they shall think proper, and they shall be respected and enjoy all the privileges which the Consuls of any other nation enjoy; and if any of the citizens of the United States shall contract any debts or engagements, the Consul shall not be in any manner accountable for them, unless he shall have given a promise in writing for the payment or fulfilling thereof, without which promise in writing no application to him for any redress shall be made.

Residence of Consul.

ARTICLE XXIV.

If any differences shall arise by either party infringing on any of the articles of this treaty, peace and harmony shall remain, notwithstanding, in the fullest force, until a friendly application shall be made for an arrangement; and until that application shall be rejected, no appeal shall be made to arms. And if a war shall break out between the parties, nine months shall be granted to all the subjects of both parties to dispose of their effects and retire with their property. And it is further declared that whatever indulgence, in trade or otherwise, shall be granted to any of the Christian Powers, the citizens of the United States shall be equally entitled to them.

Appeal to arms.

In case of war nine months allowed to settle affairs, &c.

ARTICLE XXV.

This treaty shall continue in force, with the help of God, for fifty years; after the expiration of which term, the treaty shall continue to be binding on both parties, until the one shall give twelve months' notice to the other of an intention to abandon it; in which case its operations shall cease at the end of the twelve months.

Duration of treaty.

CONSULATE OF THE UNITED STATES OF AMERICA
FOR THE EMPIRE OF MOROCCO.

To all whom it may concern.

Be it known.

Whereas the undersigned, James R. Leib, a citizen of the United States of North America, and now their resident Consul at Tangier, having been duly appointed Commissioner by letters-patent, under the signature of the President and seal of the United States of North America, bearing date, at the city of Washington, the fourth day of July, A. D. 1835, for negotiating and concluding a treaty of peace and friendship between the United States of North America and the Empire of Morocco: I, therefore, James R. Leib, Commissioner as aforesaid, do conclude the foregoing treaty and every article and clause therein contained, reserving the same, nevertheless, for the final ratification of the President of the United States of North America, by and with the advice and consent of the Senate.

In testimony whereof I have hereunto affixed my signature and the seal of this consulate, on the first day of October, in the year of our Lord one thousand eight hundred and thirty-six, and of the Independence of the United States the sixty-first.

JAMES R. LEIB. [L. S.]

MOROCCO, 1865.

CONVENTION BETWEEN THE UNITED STATES, AUSTRIA, BELGIUM, SPAIN, FRANCE, GREAT BRITAIN, ITALY, THE NETHERLANDS, PORTUGAL, AND SWEDEN, ON THE ONE PART, AND THE SULTAN OF MOROCCO, ON THE OTHER PART, CONCERNING THE ADMINISTRATION AND UPHOLDING OF THE LIGHT-HOUSE AT CAPE SPARTEL. CONCLUDED MAY 31, 1865; PROCLAIMED MARCH 12, 1867.

In the name of the only God! There is no strength nor power but of God.

His Excellency the President of the United States of America, and His Majesty the Emperor of Austria, King of Hungary and Bohemia, His Majesty the King of the Belgians, Her Majesty the Queen of Spain, His Majesty the Emperor of the French, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the King of Italy, His Majesty the King of the Netherlands, His Majesty the King of Portugal and the Algarves, His Majesty the King of Sweden and Norway, and His Majesty the Sultan of Morocco and of Fez, moved by a like desire to assure the safety of navigation along the coasts of Morocco, and desirous to provide, of common accord, the measures most proper to attain this end, have resolved to conclude a special convention, and have for this purpose appointed their Plenipotentiaries, to wit:

Plenipotentiaries.

His Excellency the President of the Republic of the United States Jesse Harland McMath, esquire, his Consul-General near his Majesty the Sultan of Morocco;

His Majesty the Emperor of Austria, King of Hungary and of Bohemia: Sir John Hay Drummond Hay, commander of the very honorable Order

of the Bath, his General Agent ad interim near his Majesty the Sultan of Morocco;

His Majesty the King of the Belgians: Ernest Daluin, knight of his Order of Leopold, commander of number of the Order of Isabella the Catholic, of Spain, commander of the Order of Nichan Eftikhar of Tunis, his Consul-General for the west coast of Africa;

Her Majesty the Queen of Spain: Don Francisco Merry y Colom, Grand Cross of the Order of Isabella the Catholic, knight of the Order of St. John of Jerusalem, decorated with the Imperial Ottoman Order of Medjidie of the 3d class, officer of the Order of the Legion of Honor, etc., her Minister Resident near his Majesty the Sultan of Morocco;

His Majesty the Emperor of the French: Auguste Louis Victor, Baron Aymé d'Aquin, officer of the Legion of Honor, commander of the Order of Francis the First of the Two Sicilies, commander of the Order of St. Maurice and Lazarus of Italy, commander of the Order of Christ of Portugal, commander of the Order of the Lion of Brunswick, knight of the Order of Constantine of the Two Sicilies, knight of the Order of Guelphs of Hanover, his Plenipotentiary near His Majesty the Sultan of Morocco;

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland: Sir John Hay Drummond Hay, commander of the very honorable Order of the Bath, her Minister Resident near His Majesty the Sultan of Morocco;

His Majesty the King of Italy: Alexander Verdinois, knight of the Order of St. Maurice and Lazarus, Agent and Consul-General of Italy near His Majesty the Sultan of Morocco;

His Majesty the King of the Netherlands: Sir John Hay Drummond Hay, commander of the very honorable Order of the Bath, Acting Consul-General of the Netherlands in Morocco;

His Majesty the King of Portugal and the Algarves: José Daniel Colaço, commander of his Order of Christ, knight of the Order of the Rose of Brazil, his Consul-General near His Majesty the Sultan of Morocco;

His Majesty the King of Sweden and of Norway: Selim d'Ehrenhoff, knight of the Order of Wasa, his Consul-General near His Majesty the Sultan of Morocco;

And His Majesty the Sultan of Morocco and of Fez, the Literary Sid Mohammed Bargash, his Minister for Foreign Affairs—

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following articles:

Article I.

The direction of the light-house at Cape Spartel to devolve upon, &c.

His Majesty Scherifienne, having, in an interest of humanity, ordered the construction, at the expense of the Government of Morocco, of a light-house at Cape Spartel, consents to devolve, throughout the duration of the present convention, the superior direction and administration of this establishment on the representatives of the contracting Powers. It is well understood that this delegation does not import any encroachment on the rights, proprietary and of sovereignty, of the Sultan, whose flag alone shall be hoisted on the tower of the Pharos.

Article II.

The Government of Morocco not at this time having any marine

The expenses of management.

either of war or commerce, the expenses necessary for upholding and managing the light-house shall be borne by the contracting Powers by means of an annual contribution, the quota of which shall be alike for all of them. If, hereafter, the Sultan should have a naval or commercial marine, he binds himself to take share in the expenses in like proportion with the other subscribing Powers. The expenses of repairs, and in need of reconstruction, shall also be at his cost.

ARTICLE III.

Guard for the light-house.

The Sultan will furnish for security of the light-house a guard, composed of a Kaid and four soldiers. He engages, besides, to provide for, by all the means in his power, in case of war, whether internal or external, the preservation of this establishment, as well as for the safety of the keepers and persons employed. On the other part, the contracting Powers bind themselves, each so far as concerned, to respect the neutrality of the light-house, and to continue the payment of the contribution intended to uphold it, even in case (which God forbid) hostilities should break out either between them or between one of them and the Empire of Morocco.

ARTICLE IV.

Superintendence of the establishment.

The representatives of the contracting Powers, charged in virtue of Article I of the present convention, with the superior direction and management of the light-house, shall establish the necessary regulations for the service and superintendence of this establishment, and no modification shall be afterward applied to these articles, except by common agreement between the contracting Powers.

ARTICLE V.

Duration of this convention.

Further continuance.

The present convention shall continue in force for ten years. In case, within six months of the expiration of this term, none of the high contracting parties should, by official declaration, have made known its purpose to bring to a close, so far as may concern it, the effects of this convention, it shall continue in force for one year more, and so from year to year, until due notice.

ARTICLE VI.

Execution of the engagements hereof made subordinate, &c.

The execution of the reciprocal engagements contained in the present convention is subordinated, so far as needful, to the accomplishment of the forms and regulations established by the constitutional laws of those of the high contracting Powers who are held to ask for their application thereto, which they bind themselves to do with the least possible delay.

ARTICLE VII.

Ratifications.

The present convention shall be ratified, and the ratifications be exchanged at Tangier as soon as can be done.

In faith whereof the respective Plenipotentiaries have signed and affixed thereto the seals of their arms.

Done in duplicate original, in French and in Arabic, at Tangier, protected of God, the fifth day of the moon of Moharrem, year of the Hegira 1282, which corresponds with the 31st of the month of May of the year one thousand eight hundred and sixty-five. Execution.

JESSE H. McMATH.	[L. S.]
J. H. DRUMMOND HAY.	[L. S.]
ERNEST DALUIN.	[L. S.]
FRANCISCO MERRY Y COLOM.	[L. S.]
AYMÉ D'AQUIN.	[L. S.]
J. H. DRUMMOND HAY.	[L. S.]
ALEX'RE VERDINOIS.	[L. S.]
J. H. DRUMMOND HAY.	[L. S.]
JOSÉ DANIEL COLAÇO.	[L. S.]
S. D'EHRENHOFF.	[L. S.]
[Signature of Sid Mohammed Bargash, in Arabic.]	[L. S]

MUSCAT.

MUSCAT, 1833.

A TREATY OF AMITY AND COMMERCE BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY SEYED SYEED BIN, SULTAN OF MUSCAT, AND HIS DEPENDENCIES. CONCLUDED SEPTEMBER 21, 1833; PROCLAIMED JUNE 24, 1837.

ARTICLE I.

Perpetual peace.

There shall be a perpetual peace between the United States of America and Seyed Syeed Bin, Sultan, and his dependencies.

ARTICLE II.

Citizens of United States may enter all the ports of the Sultan with their cargoes, &c.

The citizens of the United States shall have free liberty to enter all the ports of His Majesty Seyed Syeed Bin, Sultan, with their cargoes, of whatever kind the said cargoes may consist; and they shall have liberty to sell the same to any of the subjects of the Sultan, or others who may wish to buy the same, or to barter the same for any produce or manufactures of the kingdom, or other articles that may be found there. No price shall be fixed by the Sultan, or his officers, on the articles to be sold by the merchants of the United States or the merchandise they may wish to purchase; but the trade shall be free on both sides to sell or buy, or exchange, on the terms and for the prices the owners may think fit; and whenever the said citizens of the United States may think fit to depart, they shall be at liberty so to do; and if any officer of the Sultan shall contravene this article, he shall be severely punished. It is understood and agreed, however, that the articles of muskets, powder, and ball can only be sold to the Government in the island of Zanzibar; but, in all the other ports of the Sultan, the said munitions of war may be freely sold, without any restrictions whatever, to the highest bidder.

ARTICLE III.

Duties payable by vessels of the United States.

Vessels of the United States entering any port within the Sultan's dominions shall pay no more than five per cent. duties on the cargo landed; and this shall be in full consideration of all import and export duties, tonnage, license to trade, pilotage, anchorage, or any other charge whatever; nor shall any charge be paid on that part of the cargo which may remain on board unsold and re-exported; nor shall any charge whatever be paid on any vessel of the United States which may enter any of the ports of His Majesty for the purpose of refitting, or for refreshments, or to inquire the state of the market.

ARTICLE IV.

Americans to pay no other duties, &c.

The American citizen shall pay no other duties on export or import, tonnage, license to trade, or other charge whatsoever, than the nation the most favoured shall pay.

ARTICLE V.

If any vessel of the United States shall suffer shipwreck on any part of the Sultan's dominions, the persons escaping from the wreck shall be taken care of and hospitably entertained, at the expense of the Sultan, until they shall find an opportunity to be returned to their country, (for the Sultan can never receive any remuneration whatever for rendering succour to the distressed;) and the property saved from such wreck shall be carefully preserved and delivered to the owner, or the Consul of the United States, or to any authorized agent.

Assistance to shipwrecked vessels of United States.

ARTICLE VI.

The citizens of the United States resorting to the ports of the Sultan for the purpose of trade shall have leave to land and reside in the said ports without paying any tax or imposition whatever for such liberty other than the general duties on imports which the most favoured nation shall pay.

American merchants not to be taxed.

ARTICLE VII.

If any citizens of the United States, or their vessels or other property, shall be taken by pirates and brought within the dominions of the Sultan, the persons shall be set at liberty, and the property restored to the owner, if he is present, or to the American Consul, or to any authorized agent.

Citizens of United States taken by pirates to be set at liberty, &c.

ARTICLE VIII.

Vessels belonging to the subjects of the Sultan which may resort to any port in the United States shall pay no other or higher rate of duties or other charges than the nation the most favoured shall pay.

Vessels of the Sultan to pay no higher duties in United States, &c.

ARTICLE IX.

The President of the United States may appoint Consuls to reside in the ports of the Sultan where the principal commerce shall be carried on, which Consuls shall be the exclusive judges of all disputes or suits wherein American citizens shall be engaged with each other. They shall have power to receive the property of any American citizen dying within the kingdom, and to send the same to his heirs, first paying all his debts due to the subjects of the Sultan. The said Consuls shall not be arrested, nor shall their property be seized, nor shall any of their household be arrested, but their persons and property and their houses shall be inviolate. Should any Consul, however, commit any offence against the laws of the kingdom, complaint shall be made to the President, who will immediately displace him.

President of United States may appoint Consuls, &c. Their duties, &c.

Concluded, signed, and sealed at the Royal Palace, in the city of Muscat, in the Kingdom of Aman, the twenty-first day of September, in the year one thousand eight hundred and thirty-three of the Christian era, and the fifty-seventh year of the Independence of the United States of America, corresponding to the sixth day of the moon, called Iamada Alawel, in the year of the Allhajra (Hegira) one thousand two hundred and forty-nine.

EDMUND ROBERTS. [L. S.]

Whereas the undersigned, Edmund Roberts, a citizen of the United States of America, and a resident of Portsmouth, in the State of New Hampshire, being duly appointed a Special Agent by letters-patent, under the signature of the President and seal of the United States of America, bearing date, at the city of Washington, the twenty-sixth day of January, anno Domini one thousand eight hundred and thirty-two, for negotiating and concluding a treaty of amity and commerce between the United States of America and His Majesty Seyed Syeed Bin, Sultan of Muscat:

Final ratification reserved for President United States.

Now, know ye, that I, Edmund Roberts, Special Agent as aforesaid, do conclude the foregoing treaty of amity and commerce, and every article and clause therein contained, reserving the same, nevertheless, for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the United States.

Done at the Royal Palace, in the city of Muscat, in the Kingdom of Aman, on the twenty-first day of September, in the year of our Lord one thousand eight hundred and thirty-three, and of the Independence of the United States of America the fifty-seventh, corresponding to the sixth day of the moon, called Iamada Alawel, in the year of Allhajra (Hegira) one thousand two hundred and forty-nine.

EDMUND ROBERTS.

NASSAU.

[As a result of the war of 1866, Nassau lost its independence and was absorbed in the Kingdom of Prussia.]

NASSAU, 1846.

CONVENTION FOR THE MUTUAL ABOLITION OF THE DROIT D'AUBAINE AND TAXES ON EMIGRATION BETWEEN THE UNITED STATES OF AMERICA AND HIS ROYAL HIGHNESS THE DUKE OF NASSAU. CONCLUDED MAY 27, 1846; RATIFICATIONS EXCHANGED AT BERLIN OCTOBER 13, 1846; PROCLAIMED JANUARY 6, 1847.

Preamble.

The United States of America and His Royal Highness the Duke of Nassau, having resolved, for the advantage of their respective citizens and subjects, to conclude a convention for the mutual abolition of the droit d'aubaine and taxes on emigration, have named for this purpose their respective Plenipotentiaries, namely:

Negotiators.

The President of the United States of America has conferred full powers on Henry Wheaton, their Envoy Extraordinary and Minister Plenipotentiary at the Royal Court of Prussia, and His Royal Highness the Duke of Nassau upon his Minister Resident at the Royal Court of Prussia, Colonel and Chamberlain, Otto Wilhelm Carl von Roeder, comthur of the 1st class of the Ducal Order of Henry the Lion, etc., etc.;

Who, after having exchanged their said full powers, found in due and proper form, have agreed to and signed the following articles:

ARTICLE I.

Droit d'aubaine, &c., abolished.

Every kind of droit d'aubaine, droit de retraite, and droit de détraction or tax on emigration is hereby and shall remain abolished between the two contracting parties, their States, citizens, and subjects, respectively.

ARTICLE II.

Heirs to real property allowed to sell the same and withdraw the proceeds.

Where, on the death of any person holding real property within the territories of one party, such real property would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a term of two years to sell the same—which term may be reasonably prolonged according to circumstances—and to withdraw the proceeds thereof without molestation, and exempt from all duties of detraction.

ARTICLE III.

Citizens and subjects of each party may dispose of, by will or otherwise, their personal property in the States of the other, &c. Duties to be the same as paid by inhabitants.

The citizens or subjects of each of the contracting parties shall have power to dispose of their personal property, within the States of the other, by testament, donation, or otherwise, and their heirs, legatees, and donees, being citizens or subjects of the other contracting party, shall succeed to their said personal property, and may take possession thereof, either by themselves, or by others acting for them, and dispose of the

same at their pleasure, paying such duties only as the inhabitants of the country where the said property lies shall be liable to pay in like cases.

ARTICLE IV.

Property of absent heirs to be taken care of.

In case of the absence of the heirs, the same care shall be taken, provisionally, of such real or personal property, as would be taken in a like case of property belonging to the natives of the country, until the lawful owner, or the person who has a right to sell the same, according to Article II, may take measures to receive or dispose of the inheritance.

ARTICLE V.

Disputes to be settled by local laws.

If any dispute should arise between different claimants to the same inheritance, they shall be decided, in the last resort, according to the laws and by the judges of the country where the property is situated.

ARTICLE VI.

Stipulation of present convention to apply to property already inherited, &c., but not yet withdrawn.

All the stipulations of the present convention shall be obligatory in respect to property already inherited or bequeathed, but not yet withdrawn from the country where the same is situated, at the signature of this convention.

ARTICLE VII.

Ratifications to be exchanged in twelve months.

This convention is concluded subject to the ratification of the President of the United States of America, by and with the advice and consent of their Senate, and of His Royal Highness the Duke of Nassau, and the ratifications thereof shall be exchanged at Berlin, within the term of twelve months from the date of the signature hereof, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the above articles, as well in English as in German, and have thereto affixed their seals.

Done in triplicata, in the city of Berlin, on the 27th day of May, one thousand eight hundred and forty-six, in the 70th year of the Independence of the United States of America and the seventh of the reign of His Royal Highness the Duke of Nassau.

HENRY WHEATON. [L. S.]
OTTO WILHELM CARL V. ROEDER. [L. S.]

NETHERLANDS.

NETHERLANDS, 1782.

TREATY OF AMITY AND COMMERCE BETWEEN THEIR HIGH MIGHTINESSES THE STATES GENERAL OF THE UNITED NETHERLANDS AND THE UNITED STATES OF AMERICA, TO WIT: NEW HAMPSHIRE, MASSACHUSETTS, RHODE ISLAND AND PROVIDENCE PLANTATIONS, CONNECTICUT, NEW YORK, NEW JERSEY, PENNSYLVANIA, DELAWARE, MARYLAND, VIRGINIA, NORTH CAROLINA, SOUTH CAROLINA, AND GEORGIA. CONCLUDED OCTOBER 8, 1782; RATIFIED JANUARY 22, 1783.

Contracting parties.

Their High Mightinesses the States General of the United Netherlands and the United States of America, to wit, New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticutt, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, desiring to ascertain, in a permanent and equitable manner, the rules to be observed relative to the commerce and correspondence which they intend to establish between their respective States, countries, and inhabitants, have judged that the said end cannot be better obtained than by establishing the most perfect equality and reciprocity for the basis of their agreement, and by avoiding all those burdensome preferences which are usually the sources of debate, embarrassment, and discontent; by leaving also each party at liberty to make, respecting commerce and navigation, such ulterior regulations as it shall find most convenient to itself; and by founding the advantages of commerce solely upon reciprocal utility and the just rules of free intercourse; reserving withal to each party the liberty of admitting at its pleasure other nations to a participation of the same advantages.

On these principles their said High Mightinesses the States General of the United Netherlands have named for their Plenipotentiaries, from the midst of their assembly, Messieurs their Deputies for the Foreign Affairs; and the said United States of America, on their part, have furnished with full powers Mr. John Adams, late Commissioner of the United States of America at the Court of Versailles, heretofore Delegate in Congress from the State of Massachusetts Bay, and chief justice of the said State, who have agreed and concluded as follows, to witt:

ARTICLE I.

Peace and friendship between the two nations.

There shall be a firm, inviolable, and universal peace and sincere friendship between their High Mightinesses the Lords the States General of the United Netherlands and the United States of America, and between the subjects and inhabitants of the said parties, and between the countries, islands, cities, and places situated under the jurisdiction of the said United Netherlands and the said United States of America, their subjects and inhabitants, of every degree, without exception of persons or places.

ARTICLE II.

Subjects of United Netherlands shall have the same privileges in the United States as the most favoured nation.

The subjects of the said States General of the United Netherlands shall pay in the ports, havens, roads, countries, islands, cities, or places of the United States of America, or any of them, no other nor greater duties or imposts, of whatever nature or denomination they may be, than those which the nations the most favoured are or shall be obliged to pay; and they shall enjoy all the rights, liberties, priviledges, immunities, and exemptions in trade, navigation, and commerce which the said nations do or shall enjoy, whether in passing from one port to another in the said States, or in going from any of those ports to any foreign port of the world, or from any foreign port of the world to any of those ports.

ARTICLE III.

Citizens of United States shall have the same privileges in United Netherlands as the most favoured nations.

The subjects and inhabitants of the said United States of America shall pay in the ports, havens, roads, countries, islands, cities, or places of the said United Netherlands, or any of them, no other nor greater duties or imposts, of whatever nature or denomination they may be, than those which the nations the most favoured are or shall be obliged to pay; and they shall enjoy all the rights, liberties, priviledges, immunities, and excemptions in trade, navigation, and commerce which the said nations do or shall enjoy, whether in passing from one port to another in the said States, or from any one towards any one of those ports from or to any foreign port of the world. And the United States of America, with their subjects and inhabitants, shall leave to those of their High Mightinesses the peaceable enjoyment of their rights in the countries, islands, and seas, in the East and West Indies, without any hindrance or molestation.

ARTICLE IV.

Liberty of conscience, &c., secured to the citizens of each party in the other's dominions.

There shall be an entire and perfect liberty of conscience allowed to the subjects and inhabitants of each party, and to their families; and no one shall be molested in regard to his worship, provided he submits, as to the public demonstration of it, to the laws of the country: There shall be given, moreover, liberty, when any subjects or inhabitants of either party shall die in the territory of the other, to bury them in the usual burrying-places, or in decent and convenient grounds to be appointed for that purpose, as occasion shall require; and the dead bodies of those who are burried shall not in any wise be molested. And the two contracting parties shall provide, each one in his jurisdiction, that their respective subjects and inhabitants may henceforward obtain the requisite certificates in cases of deaths in which they shall be interested.

ARTICLE V.

Both parties to protect vessels of the other in their dominions, to restore them when captured, and to convoy in certain cases.

Their High Mightinesses the States General of the United Netherlands and the United States of America shall endeavor, by all the means in their power, to defend and protect all vessells and other effects, belonging to their subjects and inhabitants, respectively, or to any of them, in their ports, roads, havens, internal seas, passes, rivers, and as far as their jurisdiction extends at sea, and to recover, and cause to be restored

to the true proprietors, their agents, or attornies, all such vessells and effects, which shall be taken under their jurisdiction: And their vessells of war and convoys, in cases when they may have a common enemy, shall take under their protection all the vessells belonging to the subjects and inhabitants of either party, which shall not be laden with contraband goods, according to the description which shall be made of them hereafter, for places, with which one of the parties is in peace and the other at war, nor destined for any place blocked, and which shall hold the same course or follow the same rout; and they shall defend such vessells, as long as they shall hold the same course or follow the same rout, against all attacks, force, and violence of the common enemy, in the same manner as they ought to protect and defend the vessells belonging to their own respective subjects.

Article VI.

Citizens of either party may dispose of estate by will or otherwise.

The subjects of the contracting parties may, on one side and on the other, in the respective countries and States, dispose of their effects by testament, donation, or otherwise; and their heirs, subjects of one of the parties, and residing in the country of the other, or elsewhere, shall receive such successions, even ab intestato, whether in person or by their attorney or substitute, even although they shall not have obtained letters of naturalization, without having the effect of such commission contested under pretext of any rights or prerogatives of any province, city, or private person: And if the heirs to whom such successions may have fallen shall be minors, the tutors or curators established by the judge domiciliary of the said minors may govern, direct, administer, sell, and alienate the effects fallen to the said minors by inheritance, and, in general, in relation to the said successions and effects, use all the rights and fullfill all the functions which belong, by the disposition of the laws, to guardians, tutors, and curators: Provided, nevertheless, that this disposition cannot take place but in cases where the testator shall not have named guardians, tutors, curators, by testament, codicil, or other legal instrument.

Regulations concerning the same.

Article VII.

Subjects of each party may employ such advocates, &c., as they think proper.

It shall be lawfull and free for the subjects of each party to employ such advocates, attorneys, notaries, solicitors, or factors as they shall judge proper.

Article VIII.

Vessels, &c., not to be detained.

Merchants, masters and owners of ships, mariners, men of all kinds, ships and vessells, and all merchandizes and goods in general, and effects of one of the confederates, or of the subjects thereof, shall not be seized or detained in any of the countries, lands, islands, cities, places, ports, shores, or dominions whatsoever of the other confederate, for any military expedition, publick or private use of any one, by arrests, violence, or any colour thereof; much less shall it be permitted to the subjects of either party to take or extort by force anything from the subjects of the other party, without the consent of the owner; which, however, is not to be understood of seizures, detentions, and arrests which shall be made by the command and authority of justice, and by the ordinary methods, on account of debts or crimes, in respect whereof the proceedings must be by way of law, according to the forms of justice.

ARTICLE IX.

Privileges of citizens in transacting business.

It is further agreed and concluded that it shall be wholly free for all merchants, commanders of ships, and other subjects and inhabitants of the contracting parties, in every place subjected to the jurisdiction of the two Powers respectively, to manage themselves their own business; and moreover, as to the use of interpreters or brokers, as also in relation to the loading or unloading of their vessells, and everything which has relation thereto, they shall be, on one side and on the other, considered and treated upon the footing of natural subjects, or, at least, upon an equality with the most favored nation.

ARTICLE X.

Merchant-ships, if required, shall exhibit sea-letters, &c., if no contraband goods shall pass.

The merchant-ships of either of the parties, coming from the port of an enemy, or from their own, or a neutral port, may navigate freely towards any port of an enemy of the other ally: They shall be, nevertheless, held, whenever it shall be required, to exhibit, as well upon the high seas as in the ports, their sea-letters and other documents described in the twenty-fifth article, stating expressly that their effects are not of the number of those which are prohibited as contraband; and not having any contraband goods for an enemy's port, they may freely, and without hindrance, pursue their voyage towards the port of an enemy. Nevertheless, it shall not be required to examine the papers of vessells convoyed by vessells of war, but credence shall be given to the word of the officer who shall conduct the convoy.

ARTICLE XI.

Mode of proceeding when contraband goods are discovered.

If, by exhibiting the sea-letters and other documents described more particularly in the twenty-fifth article of this treaty, the other party shall discover there are any of those sorts of goods which are declared prohibited and contraband, and that they are consigned for a port under the obedience of his enemy, it shall not be lawfull to break up the hatches of such ship, nor to open any chest, coffer, packs, casks, or other vessells found therein, or to remove the smallest parcell of her goods, whether the said vessell belongs to the subjects of their High Mightinesses the States General of the United Netherlands or to the subjects or inhabitants of the said United States of America, unless the lading be brought on shore, in presence of the officers of the court of admiralty, and an inventary thereof made; but there shall be no allowance to sell, exchange, or alienate the same untill after that due and lawfull process shall have been had against such prohibited goods of contraband, and the court of admiralty, by a sentence pronounced, shall have confiscated the same, saving always as well the ship itselff as any other goods found therein, which are to be esteemed free, and may not be detained on pretence of their being infected by the prohibited goods, much less shall they be confiscated as lawfull prize: But, on the contrary, when, by the visitation at land, it shall be found that there are no contraband goods in the vessell, and it shall not appear by the papers that he who has taken and carried in the vessell has been able to discover any there, he ought to be condemned in all the charges, damages, and interests of them, which he shall have caused, both to the owners of vessells and to the owners and freighters of cargoes with which they shall be loaded, by his temerity in taking and carrying them in; declaring most expressly the free vessells shall

assure the liberty of the effects with which they shall be loaded, and that this liberty shall extend itself equally to the persons who shall be found in a free vessell, who may not be taken out of her, unless they are military men actually in the service of an enemy.

ARTICLE XII.

On the contrary, it is agreed that whatever shall be found to be laden by the subjects and inhabitants of either party, on any ship belonging to the enemies of the other, or to their subjects, although it be not comprehended under the sort of prohibited goods, the whole may be confiscated in the same manner as if it belonged to the enemy; except, nevertheless, such effects and merchandizes as were put on board such vessell before the declaration of war, or in the space of six months after it, which effects shall not be, in any manner, subject to confiscation, but shall be faithfully and without delay restored in nature to the owners who shall claim them, or cause them to be claimed, before the confiscation and sale, as also their proceeds, if the claim could not be made but in the space of eight months after the sale, which ought to be publick: Provided, nevertheless, that if the said merchandizes are contraband, it shall by no means be lawfull to transport them afterwards to any port belonging to enemies.

Goods found in an enemy's ship liable to be confiscated, unless put on board before declaration of war or within six months after.

ARTICLE XIII.

And that more effectual care may be taken for the security of subjects and people of either party, that they do not suffer molestation from the vessells of war or privateers of the other party, it shall be forbidden to all commanders of vessells of war and other armed vessells of the said States General of the United Netherlands and the said United States of America, as well as to all their officers, subjects, and people, to give any offence or do any damage to those of the other party: And if they act to the contrary, they shall be, upon the first complaint which shall be made of it, being found guilty after a just examination, punished by their proper judges, and moreover obliged to make satisfaction for all damages and interests thereof, by reparation, under pain and obligation of their persons and goods.

Vessels of war or privateers to do no injury to either party; if they do, to be punished and make reparation.

ARTICLE XIV.

For further determining of what has been said, all captains of privateers or fitters-out of vessells armed for war, under commission and on account of private persons, shall be held, before their departure, to give sufficient caution, before competent judges, either to be entirely responsible for the malversations which they may commit in their cruizes or voyages, as well as for the contraventions of their captains and officers against the present treaty, and against the ordinances and edicts which shall be published in consequence of and conformity to it, under pain of forfeiture and nullity of the said commissions.

Captains of privateers, &c., to give sufficient caution, to be responsible for their malversations.

ARTICLE XV.

All vessells and merchandizes of whatsoever nature, which shall be rescued out of the hands of any pirates or robbers, navigating the high seas without requisite commissions, shall be brought into some port of one of the two States, and deposited in the hands of the officers of that port, in order to be restored en-

Goods rescued from pirates to be restored.

tire to the true proprietor as soon as due and sufficient proofs shall be made concerning the property thereof.

Article XVI.

In case of shipwreck, relief shall be afforded and goods restored.

If any ships or vessells, belonging to either of the parties, their subjects, or people, shall, within the coasts or dominions of the other, stick upon the sands, or be wrecked, or suffer any other sea-damage, all friendly assistance and relief shall be given to the persons shipwrecked, or such as shall be in danger thereof; and the vessells, effects, and merchandizes, or the part of them which shall have been saved, or the proceeds of them, if, being perishable, they shall have been sold, being claimed within a year and a day by the masters or owners, or their agents or attornies, shall be restored, paying only the reasonable charges, and that which must be paid, in the same case, for the salvage, by the proper subjects of the country: There shall also be delivered them safe conducts or passports, for their free and safe passage from thence, and to returne, each one, to his own country.

Article XVII.

When vessels, by stress of weather, &c., shall be forced into ports, &c., they shall be protected and permitted to depart.

In case the subjects or people of either party, with their shipping, whether public and of war, or private and of merchants, be forced, through stress of weather, pursuit of pirates or enemies, or any other urgent necessity for seeking of shelter and harbour, to retract and enter into any of the rivers, creeks, bays, ports, roads, or shores belonging to the other party, they shall be received with all humanity and kindness and enjoy all friendly protection and help, and they shall be permitted to refresh and provide themselves, at reasonable rates, with victualls, and all things needfull for the sustenance of their persons or reparation of their ships; and they shall no ways be detained or hindred from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

Article XVIII.

In case of war, nine months allowed to citizens residing in the other's dominion to sell and transport their effects.

For the better promoting of commerce on both sides, it is agreed that, if a war should break out between their High Mightinesses the States General of the United Netherlands and the United States of America, there shall always be granted to the subjects on each side the term of nine months after the date of the rupture, or the proclamation of war, to the end that they may retire, with their effects, and transport them where they please, which it shall be lawfull for them to do, as well as to sell or transport their effects and goods, in all freedom and without any hindrance, and without being able to proceed, during the said term of nine months, to any arrest of their effects, much less of their persons; on the contrary, there shall be given them, for their vessells and their effects, which they would carry away, passports and safe conducts for the nearest ports of their respective countries, and for the time necessary for the voyage. And no prize made at sea shall be adjudged lawfull, at least if the declaration of war was not or could not be known, in the last port which the vessell taken has quitted; but for whatever may have been taken from the subjects and inhabitants of either party, and for the offences which may have been given them, in the interval of the said terms, a compleat satisfaction shall be given them.

ARTICLE XIX.

No subject of their High Mightinesses the States General of the United Netherlands shall apply for or take any commission or letters of marque, for arming any ship or ships to act as privateers against the said United States of America, or any of them, or the subjects and inhabitants of the said United States or any of them, or against the property of the inhabitants of any of them, from any Prince or State with which the said United States of America may happen to be at war: Nor shall any subject or inhabitant of the said United States of America, or any of them, apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the High and Mighty Lords the States General of the United Netherlands, or against the subjects of their High Mightinesses, or any of them, or against the property of any one of them, from any Prince or State with which their High Mightinesses may be at war: And if any person of either nation shall take such commission or letters of marque, he shall be punished as a pirate.

Citizens of neither party shall take commissions or letters of marque from a prince or state with whom the other is at war.

ARTICLE XX.

If the vessells of the subjects or inhabitants of one of the parties come upon any coast belonging to either of the said allies, but not willing to enter into port, or being entered into port and not willing to unload their cargoes or break bulk, or take in any cargoe, they shall not be obliged to pay, neither for the vessells nor the cargoes, any duties of entry in or out, nor to render any account of their cargoes, at least if there is not just cause to presume that they carry to an enemy merchandizes of contraband.

Vessels coming on the coast or entering the ports of either party, how to be treated.

ARTICLE XXI.

The two contracting parties grant to each other, mutually, the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Agents, and Commissaries of their own appointing, whose functions shall be regulated by particular agreement, whenever either party chuses to make such appointments.

Consuls, &c., to be allowed in the ports of each nation.

ARTICLE XXII.

This treaty shall not be understood in any manner to derogate from the ninth, tenth, nineteenth, and twenty-fourth articles of the treaty with France, as they were numbered in the same treaty, concluded the sixth of February, 1778, and which make the articles ninth, tenth, seventeenth, and twenty-second of the treaty of commerce now subsisting between the United States of America and the Crown of France: Nor shall it hinder His Catholic Majesty from acceding to that treaty, and enjoying the advantages of the said four articles.

This treaty not to derogate from treaty with France.

ARTICLE XXIII.

If at any time the United States of America shall judge necessary to commence negotiations with the King or Emperor of Marocco and Fez, and with the Regencies of Algiers, Tunis, or Tripoli, or with any of them, to obtain passports for the security of their navigation in the Mediterranean Sea, their

United Netherlands to aid the United States in forming treaties with the Barbary powers.

High Mightenesses promise that upon the requisition which the United States of America shall make of it, they will second such negotiations in the most favourable manner, by means of their Consuls, residing near the said King, Emperor, and Regencies.

CONTRABAND.

Article XXIV.

What goods shall be deemed contraband.

The liberty of navigation and commerce shall extend to all sorts of merchandizes, excepting only those which are distinguished under the name of contraband, or merchandizes prohibited: And under this denomination of contraband and merchandizes prohibited, shall be comprehended only warlike stores and arms, as mortars, artillery, with their artifices and appurtenances, fusils, pistols, bombs, grenades, gunpowder, saltpetre, sulphur, match, bullets and balls, pikes, sabres, lances, halberts, casques, cuirasses, and other sorts of arms, as also soldiers, horses, saddles, and furniture for horses; all other effects and merchandizes, not before specified expressly, and even all sorts of naval matters, however proper they may be for the construction and equipment of vessells of war, or for the manufacture of one or another sort of machines of war, by land or sea, shall not be judged contraband, neither by the letter, nor according to any pretended interpretation whatever, ought they, or can they be comprehended under the notion of effects prohibited or contraband: so that all effects and merchandizes, which are not expressly before named, may, without any exception, and in perfect liberty, be transported by the subjects and inhabitants of both allies, from and to places belonging to the enemy; excepting only the places which at the same time shall be besieged, blocked, or invested; and those places only shall be held for such which are surrounded nearly by some of the belligerent Powers.

Article XXV.

Regulations respecting passports.

To the end that all dissention and quarrel may be avoided and prevented, it has been agreed, that in case that one of the two parties happens to be at war, the vessells belonging to the subjects or inhabitants of the other ally shall be provided with sea-letters or passports, expressing the name, the property, and the burthen of the vessell, as also the name and the place of abode of the master, or commander of the said vessell, to the end that thereby it may appear that the vessell really and truly belongs to subjects or inhabitants of one of the parties; which passports shall be drawn and distributed, according to the form annexed to this treaty; each time that the vessell shall return, she should have such her passport renewed, or at least they ought not to be of more antient date than two years, before the vessell has been returned to her own country.

It has been also agreed, that such vessells, being loaded, ought to be provided not only with the said passports or sea-letters, but also with a general passport, or with particular passports or manifests, or other publick documents, which are ordinarily given to vessells outward bound in the ports from whence the vessells have set sail in the last place, containing a specification of the cargo, of the place from whence the vessell departed, and of that of her destination, or, instead of all these, with certificates from the magistrates or governors of cities, places, and colonies from whence the vessell came, given in the usual form, to

the end that it may be known whether there are any effects prohibited or contraband, on board the vessells, and whether they are destined to be carried to an enemy's country or not; and in case any one judges proper to express in the said documents the persons to whom the effects on board belong, he may do it freely, without, however, being bound to do it; and the omission of such expression cannot and ought not to cause a confiscation.

Article XXVI.

How ships and vessels are to be treated, when met by ships of war or privateers.

If the vessells of the said subjects or inhabitants of either of the parties, sailing along the coasts or on the high seas, are met by a vessell of war, or privateer, or other armed vessell of the other party, the said vessells of war, privateers, or armed vessells, for avoiding all disorder, shall remain without the reach of cannon, but may send their boats on board the merchant vessell, which they shall meet in this manner, upon which they may not pass more than two or three men, to whom the master or commander shall exhibit his passport, containing the property of the vessell, according to the form annexed to this treaty: And the vessell, after having exhibited such a passport, sea-letter, and other documents, shall be free to continue her voyage, so that it shall not be lawfull to molest her, or search her in any manner, nor to give her chase, nor to force her to alter her course.

Article XXVII.

Lawful for merchants and commanders of vessels to take into their service seamen and others belonging to either nation.

It shall be lawfull for merchants, captains and commanders of vessells, whether public and of war, or private and of merchants, belonging to the said United States of America, or any of them, or to their subjects and inhabitants, to take freely into their service, and receive on board of their vessells, in any port or place in the jurisdiction of their High Mightinesses aforesaid, seamen or others, natives or inhabitants of any of the said States, upon such conditions as they shall agree on, without being subject for this to any fine, penalty, punishment, process, or reprehension whatsoever.

And reciprocally, all merchants, captains and commanders, belonging to the said United Netherlands, shall enjoy, in all the ports and places under the obedience of the said United States of America, the same priviledge of engaging and receiving seamen or others, natives or inhabitants of any country of the domination of the said States General: Provided, that neither on one side nor the other, they may not take into their service such of their countrymen who have already engaged in the service of the other party contracting, whether in war or trade, and whether they meet them by land or sea; at least if the captains or masters under the command of whom such persons may be found, will not of his own consent discharge them from their service, upon pain of being otherwise treated and punished as deserters.

Article XXVIII.

The affair of the refraction shall be regulated in all equity and justice, by the magistrates of cities respectively, where it shall be judged that there is any room to complain in this respect.

Article XXIX.

The present treaty shall be ratified and approved by their High

Ratification.

Mightinesses the States General of the United Netherlands, and by the United States of America; and the acts of ratification shall be delivered in good and due form, on one side and on the other, in the space of six months, or sooner if possible, to be computed from the day of the signature.

In faith of which, We the Deputies and Plenipotentiaries of the Lords the States General of the United Netherlands, and the Minister Plenipotentiary of the United States of America, in virtue of our respective authorities and full powers, have signed the present treaty, and apposed thereto the seals of our arms.

Done at the Hague the eight of October, one thousand seven hundred eighty-two.

JOHN ADAMS.	[L. S.]
GEORGE VAN RANDWYCK.	[L. S.]
B. V. D. SANTHEUVEL.	[L. S.]
P. V. BLEISWYK.	[L. S.]
W. C. H. VAN LYNDEN.	[L. S.]
D. J. VAN HEECKEREN.	[L. S.]
JOAN VAN KUFFELER.	[L. S.]
F: G: VAN DEDEM, *tot den Gelder.*	[L. S.]
H: TJASSENS.	[L. S.]

NETHERLANDS, 1782.

CONVENTION BETWEEN THE LORDS THE STATES GENERAL OF THE UNITED NETHERLANDS, AND THE UNITED STATES OF AMERICA, CONCERNING VESSELLS RECAPTURED. CONCLUDED OCTOBER 8, 1782.

October 8, 1782.

The Lords the States General of the United Netherlands, and the United States of America, being inclined to establish some uniform principles with relation to prizes made by vessells of war, and commissioned by the two contracting Powers, upon their common enemies, and to vessells of the subjects of either party, captured by the enemy, and recaptured by vessells of war commissioned by either party, have agreed upon the following articles.

ARTICLE I.

When vessels of either nation shall be recaptured, how they shall be restored.

The vessells of either of the two nations recaptured by the privateers of the other, shall be restored to the first proprietor, if such vessells have not been four and twenty hours in the power of the enemy, provided the owner of the vessell recaptured, pay therefor one-third of the value of the vessell, as also of that of the cargo, the cannons and apparel, which third shall be valued by agreement, between the parties interested; or, if they cannot agree thereon among themselves, they shall address themselves to the officers of the admiralty, of the place where the privateer who has retaken the vessell shall have conducted her.

ARTICLE II.

When they shall belong to the recaptor.

If the vessell recaptured has been more than twenty-four hours in the power of the enemy, she shall belong entirely to the privateer who has retaken her.

ARTICLE III.

In case a vessell shall have been recaptured by a vessell of war belong-

ing to the States General of the United Netherlands, or to the United States of America, she shall be restored to the first owner, he paying a thirtieth part of the value of the ship, her cargo, cannons and apparel, if she has been recaptured in the interval of twenty-four hours, and the tenth part if she has been recaptured after the twenty-four hours; which sums shall be distributed in form of gratifications to the crews of the vessells which shall have retaken her. The valuation of the said thirtieth parts and tenth parts, shall be regulated according to the tenour of the first article of the present convention.

When recaptured by vessels of war, they shall be restored.

ARTICLE IV.

The restitution of prizes, whether they may have been retaken by vessells of war or by privateers, in the mean time and untill requisite and sufficient proofs can be given of the property of vessells recaptured, shall be admitted in a reasonable time, under sufficient sureties for the observation of the aforesaid articles.

Restitution.

ARTICLE V.

The vessells of war and privateers, of one and of the other of the two nations, shall be reciprocally, both in Europe and in the other parts of the world, admitted in the respective ports of each with their prizes, which may be unloaded and sold according to the formalities used in the State where the prize shall have been conducted, as far as may be consistent with the 22d article of the treaty of commerce: Provided always, that the legality of prizes by the vessells of the Low Countries, shall be decided conformably to the laws and regulations established in the United Netherlands; as likewise, that of prizes made by American vessells, shall be judged according to the laws and regulations determined by the United States of America.

Vessels of war, privateers, and their prizes.

ARTICLE VI.

Moreover, it shall be free for the States General of the United Netherlands, as well as for the United States of America, to make such regulations as they shall judge necessary, relative to the conduct which their respective vessells and privateers ought to hold in relation to the vessells which they shall have taken and conducted into the ports of the two Powers.

Each nation may make regulations.

In faith of which, We the Deputies and Plenipotentiaries of the Lords the States General of the United Netherlands, and Minister Plenipotentiary of the United States of America, have, in virtue of our respective authorities and full powers, signed these presents, and confirmed the same with the seal of our arms.

Done at the Hague the eight of October, one thousand seven hundred dred eighty-two.

JOHN ADAMS. [L. S.]
GEORGE VAN RANDWYCK. [L. S.]
B. V. D. SANTHEUVEL. [L. S.]
P. V. BLEISWŸK. [L. S.]
W. C. H. VAN LŸNDEN. [L. S.]
D. J. VAN HEECKEREN. [L. S.]
JOAN VAN KUFFELER. [L. S.]
F: G: VAN DEDEM, *tot den Gelder.* [L. S.]
H: TJASSENS. [L. S.]

NETHERLANDS, 1839.

TREATY WITH THE KING OF THE NETHERLANDS. CONCLUDED JANUARY 19, 1839; RATIFICATIONS EXCHANGED MAY 23, 1839; PROCLAIMED MAY 24, 1839.

The United States of America and His Majesty the King of the Netherlands, anxious to regulate the commerce and navigation carried on between the two countries in their respective vessels, have, for that purpose, named plenipotentiaries, that is to say:

The President of the United States has appointed John Forsyth, Secretary of State of the said United States; and His Majesty the King of the Netherlands, Jonkheer Evert Marius Adrian Martini, Member of the Body of Nobles of the Province of North Brabant, Knight of the Order of the Netherland Lion, and his Chargé d'Affaires near the United States;

Who, having exchanged their respective full powers, found in good and due form, have agreed to the following articles:

ARTICLE I.

Duties.

Goods and merchandise, whatever their origin may be, imported into or exported from the ports of the United States from or to the ports of the Netherlands in Europe, in vessels of the Netherlands, shall pay no higher or other duties than shall be levied on the like goods and merchandise so imported or exported in national vessels; and, reciprocally, goods and merchandise, whatever their origin may be, imported into or exported from the ports of the Netherlands in Europe from or to the ports of the United States, in vessels of the said States, shall pay no higher or other duties than shall be levied on the like goods and merchandise so imported or exported in national vessels. The bounties, drawbacks, or other favors of this nature which may be granted in the States of either of the contracting parties on goods imported or exported in national vessels shall also and in like manner be granted on goods directly exported or imported in vessels of the other country to and from the ports of the two countries; it being understood that, in the latter as in the preceding case, the goods shall have been loaded in the ports from which such vessels have been cleared.

Bounties, &c.

ARTICLE II.

Tonnage duties, &c.

Neither party shall impose upon the vessels of the other, whether carrying cargoes between the United States and the ports of the Netherlands in Europe, or arriving in ballast from any other country, any duties of tonnage, harbour dues, light-houses, salvage, pilotage, quarantine, or port charges of any kind or denomination which shall not be imposed in like cases on national vessels.

ARTICLE III.

Privileges of consuls, &c.

It is further agreed between the two contracting parties that the Consuls and Vice-Consuls of the United States in the ports of the Netherlands in Europe, and, reciprocally, the Consuls and Vice-Consuls of the Netherlands in the ports of the said States, shall continue to enjoy all privileges, protection, and assistance, as may

be usual and necessary for the duly exercising of their functions, in respect also of the deserters from the vessels, whether public or private, of their countries.

ARTICLE IV.

The contracting parties agree to consider and treat as vessels of the United States and of the Netherlands all such as, being furnished by the competent authority with a passport or sea-letter, shall, under the then existing laws and regulations, be recognized as national vessels by the country to which they respectively belong.

What shall be considered national vessels.

ARTICLE V.

In case of shipwreck or damage at sea, each party shall grant to the vessels, whether public or private, of the other, the same assistance and protection which would be afforded to its own vessels in like cases.

Assistance to shipwrecked vessels, &c.

ARTICLE VI.

The present treaty shall be in force for the term of ten years, commencing six weeks after the exchange of the ratifications; and further until the end of twelve months after either of the contracting parties shall have given to the other notice of its intention to terminate the same: each of the contracting parties reserving to itself the right of giving such notice to the other, after the expiration of the said term of ten years. And it is hereby mutually agreed that in case of such notice this treaty, and all the provisions thereof, shall, at the end of the said twelve months, altogether cease and determine.

Duration of the treaty.

ARTICLE VII.

The present treaty shall be ratified, and the ratifications shall be exchanged at Washington, within six months of its date, or sooner if practicable.

Ratifications to be exchanged within six months.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done in duplicate at the city of Washington, this nineteenth day of January, in the year of our Lord one thousand eight hundred and thirty-nine.

JOHN FORSYTH. [L. S.]
ADR. MARTINI. [L. S.]

NETHERLANDS, 1852.

SUPPLEMENTAL CONVENTION TO TREATY OF JANUARY 19, 1839, WITH THE NETHERLANDS. CONCLUDED AUGUST 26, 1852; RATIFICATIONS EXCHANGED FEBRUARY 25, 1853; PROCLAIMED FEBRUARY 26, 1853.

The United States of America and His Majesty the King of the Netherlands, being desirous of placing the commerce of the two countries on a footing of greater mutual equality, have appointed as their Plenipotentiaries for that purpose, that is to say:

Preamble.

The President of the United States of America, Daniel Webster,

Negotiators.

Secretary of State of the United States; and His Majesty the King of the Netherlands, François Mathieu Wenceslas Baron Testa, Commander of the Royal Grand Ducal Order of the Crown of Oak of Luxembourg, Knight of the Royal Order of the Lion of the Netherlands, and of the Grand Ducal Order of the White Falcon, third class, Counsellor of Legation, and His Majesty's Chargé d'Affaires to the Government of the United States of America;

Who, after having communicated to each other their respective powers, found in good and due form, have agreed that, for and in lieu of the first and second articles of the treaty of commerce and navigation, signed at Washington on the 19th of January, 1839, between the high contracting parties, the following articles shall be substituted:

ARTICLE I.

Provisions respecting duties.

Goods and merchandise, whatever their origin may be, imported into or exported from the ports of the United States from and to any other country, in vessels of the Netherlands, shall pay no higher or other duties than shall be levied on the like goods and merchandise imported or exported in national vessels. Reciprocally, goods and merchandise, whatever their origin may be, imported into or exported from the ports of the Netherlands from and to any other country, in vessels of the United States, shall pay no higher or other duties than shall be levied on the like goods and merchandise imported or exported in national vessels.

Bounties, drawbacks, &c.

The bounties, drawbacks, and other privileges of this nature which may be granted in the States of either of the contracting parties, on goods imported or exported in national vessels, shall also and in like manner be granted on goods imported or exported in vessels of the other country.

ARTICLE II.

Reciprocity to extend to colonies.

The above reciprocal equality in relation to the flags of the two countries is understood to extend also to the ports of the colonies and dominions of the Netherlands beyond the seas, in which goods and merchandise, whatever their origin may be, imported or exported from and to any other country in vessels of the United States, shall pay no higher or other duties than shall be levied on the like goods and merchandise imported or exported from and to the same places in vessels of the Netherlands. The bounties, drawbacks, or other privileges of similar denomination which may be there granted on goods and merchandise imported or exported in vessels of the Netherlands shall also, and in like manner, be granted on goods and merchandise imported or exported in vessels of the United States.

ARTICLE III.

Tonnage, &c., duties.

Neither party shall impose upon the vessels of the other, whether carrying cargoes or arriving in ballast from either of the two countries, or any other country, any duties of tonnage, harbor dues, light-house, salvage, pilotage, quarantine, or port charges of any kind or denomination, which shall not be imposed in like cases on national vessels.

ARTICLE IV.

The present arrangement does not extend to the coasting trade and fish-

eries of the two countries respectively, which are exclusively allowed to national vessels: it being moreover understood that, in the East Indian Archipelago of the Netherlands, the trade from island to island is considered as coasting trade, and likewise in the United States, the trade between their ports on the Atlantic and their ports on the Pacific; and if, at any time, either the Netherlands or the United States shall allow to any other nation the whole or any part of the said coasting trade, the same trade shall be allowed on the same footing and to the same extent to the other party. It being, however, expressly understood and agreed that nothing in this article shall prevent the vessels of either nation from entering and landing a portion of their inward cargoes at one port of the other nation, and then proceeding to any other port or ports of the same, to enter and land the remainder, nor from preventing them in like manner from loading a portion of their outward cargoes at one port and proceeding to another port or ports to complete their lading, such landing or lading to be done under the same rules and regulations as the two governments may respectively establish for their national vessels in like cases.

Coasting trade and fisheries excepted.

Their disposition.

ARTICLE V.

The above reciprocal equality in relation to the flags of the two countries is not understood to prevent the Government of the Netherlands from levying discriminating duties of import or export in favor of the direct trade between Holland and her colonies and dominions beyond the seas; but American vessels engaged in such direct commerce shall be entitled to all the privileges and immunities, whether as regards import or export duties, or otherwise, that are or may be enjoyed by vessels under the Dutch flag. Likewise, the United States shall continue to levy the discriminating duties imposed by the present tariff on teas and coffee, in favor of the direct importation of these articles from the place of their growth, but also without discriminating between the flags of the two countries. And if, at any time, the Netherlands or the United States shall abolish the said discriminating duties, it is understood that the same shall be in like manner abolished in relation to the commerce of the other country.

Discriminating duties in favor of certain trade may be imposed.

ARTICLE VI.

The present convention shall be considered as additional to the above-mentioned treaty of the 19th of January, 1839, and shall, altogether, with the unmodified articles of that treaty, be in force for the term of two years, commencing six weeks after the exchange of the ratifications; and further, until the end of twelve months after either of the contracting parties shall have given to the other notice of its intention to terminate the same, each of the contracting parties reserving to itself the right of giving such notice to the other, after the expiration of the said term of two years. And it is hereby mutually agreed that, in case of such notice, this convention, and all the provisions thereof, as well as the said treaty of 19th January, 1839, and the provisions thereof, shall, at the end of the said twelve months, altogether cease and determine.

This treaty to be additional to that of 1839, January 19, and to continue two years, and until notice, &c.

Twelve months after, on such notice, both treaties to cease.

ARTICLE VII.

The present convention shall be ratified, and the ratifications shall

Ratifications.

be exchanged at Washington within six months of its date, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done in duplicate at the city of Washington, this twenty-sixth day of August, in the year of our Lord one thousand eight hundred and fifty-two.

DAN'L WEBSTER. [SEAL.]
FS. TESTA. [SEAL.]

NETHERLANDS, 1855.

CONVENTION WITH THE NETHERLANDS RESPECTING CONSULS OF THE UNITED STATES IN DUTCH COLONIES. CONCLUDED JANUARY 22, 1855; RATIFICATIONS EXCHANGED MAY 25, 1855; PROCLAIMED MAY 26, 1855.

Preamble.

His Majesty the King of the Netherlands, wishing to strengthen the bonds of friendship subsisting between the United States of America and the Kingdom of the Netherlands, and to give the amplest possible development to the commercial intercourse so happily established between the two nations, has, for the accomplishment of that purpose, and in order to satisfy a desire repeatedly expressed by the Government of the United States, consented to receive Consuls from said States in the principal ports of the Dutch colonies, with the reservation, however, of making this concession the subject of a special convention, which shall determine, in a clear and precise manner, the rights, duties, and privileges of said Consuls in the colonies above mentioned.

Negotiators.

Accordingly, the President of the United States has named August Belmont, a citizen of the United States, and their Minister Resident near His Majesty the King of the Netherlands;

His Majesty the King of the Netherlands, the Sieur Floris Adriaan Van Hall, Grand Cross of the Order of the Netherlands Lion, His Majesty's Minister of State and for Foreign Affairs, and the Sieur Charles Ferdinand Pahud, Grand Cross of the Order of the Netherlands Lion, His Majesty's Minister for the colonies;

Who, after communicating to each other their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

American consuls, &c., admission of, to certain possessions and colonies of the Netherlands.

Consuls-General, Consuls, and Vice-Consuls of the United States of Amerika will be admitted into all the ports in the transmarine possessions or colonies of the Netherlands, which are open to the vessels of all nations.

ARTICLE II.

Their powers and office.

The Consuls-General, Consuls, and Vice-Consuls of the United States of America are considered as commercial agents, protectors of the maritime commerce of their countrymen, in the ports within the circumference of their consular districts.

To be subject to the laws

They are subject to the laws, both civil and criminal, of the country in which they reside, with such exceptions as the present convention establishes in their favor.

ARTICLE III.

The Consuls-General and Consuls, before being admitted to exercise their functions, and to enjoy the immunities attached thereto, must present a commission, in due form, to the government of His Majesty the King of the Netherlands.

Their commissions to be presented.

After having obtained the exequatur, which shall be countersigned as promptly as possible by the governor of the colony, the said Consular Agents shall be entitled to the protection of the government, and to the assistance of the local authorities, in the free exercise of their functions.

Exequatur.

The Government, in granting the exequatur, reserves the right of withdrawing the same, or to cause it to be withdrawn by the Governor of the colony, on a statement of the reasons for doing so.

ARTICLE IV.

The Consuls-General and Consuls are authorized to place on the outer door of their consulates the arms of their Government, with the inscription: "Consulate of the United States of America."

Inscription on their offices.

It is well understood that this outward mark shall never be considered as conferring the right of asylum, nor as having the power to exempt the house and those dwelling therein from the prosecution of the local justice.

Not to give the right of asylum.

ARTICLE V.

It is, nevertheless, understood that the archives and documents relating to the affairs of the consulate shall be protected against all search, and that no authority or magistrate shall have the power, under any pretext whatever, to visit or seize them, or to examine their contents.

Archives, &c., not subject to search or examination.

ARTICLE VI.

The Consuls-General, Consuls, and Vice-Consuls shall not be invested with any diplomatic character.

Consuls, &c., not to have diplomatic powers, except, &c.

When a request is to be addressed to the Netherlands Government, it must be done through the medium of the Diplomatic Agent residing at the Hague, if one be there.

The Consul may, in case of urgency, apply to the Governor of the colony himself, showing the urgency of the case, and stating the reasons why the request cannot be addressed to the subordinate authorities, or that previous applications made to such authorities have not been attended to.

ARTICLE VII.

Consuls-General and Consuls shall be free to establish Vice-Consuls in the ports mentioned in art. 1, and situated in their consular districts.

Vice-Consuls may be appointed.

The Vice-Consuls may be taken indiscriminately from among the subjects of the Netherlands, or from citizens of the United States, or of any other country residing, or having the privilege, according to the local laws, to fix their residence in the port to which the Vice-Consul shall be named.

These Vice-Consuls, whose nomination shall be submitted to the ap-

proval of the Governor of the colony, shall be provided with a certificate, given to them by the Consul under whose orders they exercise their functions.

The Governor of the colony may in all cases withdraw from the Vice-Consuls the aforesaid sanction, in communicating to the Consul-General or Consul of the respective district the motives for his doing so.

ARTICLE VIII.

Passports and their effect.

Passports delivered or signed by Consuls or Consular Agents, do not dispense the bearer from providing himself with all the papers required by the local laws, in order to travel or to establish himself in the colonies.

The right of the Governor of the colony to prohibit the residence in, or to order the departure from the colony of any person, to whom a passport may have been delivered, remains undisturbed.

ARTICLE IX.

Wrecks.

When a ship of the United States is wrecked upon the coast of the Dutch colonies, the Consul-General, Consul, or Vice-Consul who is present at the scene of the disaster, will, in case of the absence, or with t[h]e consent of the captain or supercargo, take all the necessary measures for the salvage of the vessel, the cargo, and all that appertains to it.

In the absence of the Consul-General, Consul, or Vice-Consul, the Dutch authorities of the place where the wreck has taken place will act in the premises, according to the regulations prescribed by the laws of the colony.

ARTICLE X.

Reclamation of deserters from vessels.

Consuls-General, Consuls, and Vice-Consuls may, in so far as the extradition of deserters from merchant-vessels or ships of war shall have been stipulated by treaty, request the assistance of the local authorities for the arrest, detention, and imprisonment of deserters from vessels of the United States. To this end they shall apply to the competent functionaries, and claim said deserters, in writing, proving by the register of the vessel, the list of the crew, or by any other authentic document, that the persons claimed belonged to the crew.

The reclamation being thus supported, the local functionaries shall exercise what authority they possess, in order to cause the deserters to be delivered up.

These deserters, being arrested, shall be placed at the disposal of said Consuls, and may be confined in the public prisons at the request and at the expense of those who claim them, in order that they may be taken to the vessels to which they belong, or to other vessels of the same nation. But if they are not sent back within four months from the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause.

It is understood, however, that if the deserter be found to have committed any crime, offence, or contravention, his extradition may be delayed until the court having cognizance of the matter shall have pronounced its sentence, and the same has been carried into execution.

ARTICLE XI.

In case of the death of a citizen of the United States, without

having any known heirs or testamentary executors, the Dutch authorities, who, according to the laws of the colonies, are charged with the administration of the estate, will inform the Consuls, or Consular Agents, of the circumstance, in order that the necessary information may be forwarded to parties interested.

Estates of deceased persons.

ATICLE XII.

The Consuls-General, Consuls, and Vice-Consuls have, in that capacity, in so far as the laws of the United States of America allow it, the right to be named arbiters in the differences which may arise between the masters and the crews of the vessels belonging to the United States, and this without the interference of the local authorities, unless the conduct of the crew or of the captain should have been such as to disturb the order and tranquillity of the country, or that the Consuls-General, Consuls, or Vice-Consuls, should request the assistance of the said authorities, in order to carry out their decisions or to maintain their authority.

Arbitration by Consuls.

It is understood, however, that this decision or special arbitrament is not to deprive, on their return, the parties in litigation of the right of appeal to the judiciary authorities of their own country.

ARTICLE XIII.

The Consuls-General, Consuls, and Vice-Consuls, who are not subjects of the Netherlands, who, at the time of their appointment, are not established as residents in the Kingdom of the Netherlands or its colonies, and who do not exercise any calling, profession, or trade, besides their consular functions, are, in so far as in the United States the same privileges are granted to the Consuls-General, Consuls, and Vice-Consuls of the Netherlands, exempt from military billetings, from personal taxation, and, moreover, from all public or municipal taxes which are considered of a personal character, so that this exemption shal[l] never extend to custom-house duties or other taxes, whether indirect or real.

Liability of Consuls, &c., to local taxes, services, &c.

The Consuls-General, Consuls, and Vice-Consuls, who are not natives or recognized subjects of the Netherlands, but who may exercise conjointly with their consular functions any profession or trade whatever, are obliged to fulfill duties, and pay taxes and contributions, like all Dutch subjects and other inhabitants.

Consuls-General, Consuls, and Vice-Consuls, subjects of the Netherlands, but to whom it has been accorded to exercise consular functions conferred by the Government of the United States of America, are obliged to fulfill duties, and pay taxes and contributions, like all Dutch subjects and other inhabitants.

ARTICLE XIV.

The Consuls-General, Consuls, and Vice-Consuls of the United States shall enjoy all such other privileges, exemptions, and immunities, in the colonies of the Netherlands, as may at any future time be granted to the agents of the same rank of the most favored nations.

To have privileges of most favored nation.

ARTICLE XV.

The present convention shall remain in force for the space of five

Duration of this convention.

years from the day of the exchange of the ratifications, which shall take place within the delay of twelve months, or sooner if possible.

In case neither of the contracting parties gives notice twelve months before the expiration of the said period of five years, of its intention not to renew this convention, it shall remain in force a year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall give such notice.

In witness whereof, the respective Plenipotentiaries have signed the present convention, and have affixed thereto the seals of their arms.

Done at the Hague this twenty-second day of January, in the year of our Lord one thousand eight hundred and fifty-five.

AUGUST BELMONT. [L. S.]
VAN HALL. [L. S.]
C. F. PAHUD. [L. S.]

NEW GRANADA.

[See Colombia. Ante, page 177 to page 195.]

NICARAGUA.

NICARAGUA, 1867.

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION, BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF NICARAGUA. CONCLUDED JUNE 21, 1867; RATIFICATIONS EXCHANGED JUNE 20, 1868; PROCLAIMED AUGUST 13, 1868.

The United States of America and the Republic of Nicaragua, desiring to maintain and to improve the good understanding and the friendly relations which now happily exist between them, to promote the commerce of their citizens, and to make some mutual arrangement with respect to a communication between the Atlantic and Pacific Oceans by the river San Juan and either or both the lakes of Nicaragua and Managua, or by any other route through the Territories of Nicaragua, have agreed, for this purpose, to conclude a treaty of friendship, commerce, and navigation, and have accordingly named as their respective Plenipotentiaries, that is to say: Contracting parties.

The President of the United States, Andrew B. Dickinson, Minister Resident and Extraordinary to Nicaragua; and His Excellency the President of the Republic of Nicaragua, Señor Licenciado Don Tomas Ayon, Minister of Foreign Relations:

Who, after communicating to each other their full powers, found in due and proper form, have agreed upon the following articles:

ARTICLE I.

There shall be perpetual amity between the United States and their citizens on the one part, and the Government of the Republic of Nicaragua and its citizens of the other. Peace and friendship.

ARTICLE II.

There shall be between all the territories of the United States and the territories of the Republic of Nicaragua a reciprocal freedom of commerce. The subjects and citizens of the two countries, respectively, shall have full liberty freely and securely to come with their ships and cargoes to all places, ports, and rivers in the territories aforesaid, to which other foreigners are or may be permitted to come, to enter into the same, and to remain and reside in any part thereof, Freedom of commerce.

respectively; also to hire and occupy houses and warehouses for the purposes of their commerce; and generally the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce, subject always to the laws and statutes of the two countries, respectively. In like manner the respective ships of war and post-office packets of the two countries shall have liberty freely and securely to come to all harbors, rivers, and places to which other foreign ships of war and packets are or may be permitted to come, to enter the same, to anchor, and to remain there and refit, subject always to the laws and statutes of the two countries, respectively.

Coasting trade.

By the right of entering places, ports, and rivers, mentioned in this article, the privilege of carrying on the coasting trade is not understood; in which trade national vessels only of the country where the trade is carried on are permitted to engage.

ARTICLE III.

Rights of most favored nations.

It being the intention of the two high contracting parties to bind themselves by the two preceding articles to treat each other on the footing of the most favored nations, it is hereby agreed between them that any favor, privilege, or immunity whatever, in matters of commerce and navigation, which either contracting party has actually granted, or may grant hereafter, to the subjects or citizens of any other State, shall be extended to the subjects or citizens of the other contracting party; gratuitously, if the concession in favor of that other nation shall have been gratuitous, or in return for a compensation, as nearly as possible of a proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

ARTICLE IV.

Duties.

No higher or other duties shall be imposed on the importation into the territories of the United States of any article being the growth, produce, or manufacture of the Republic of Nicaragua, and no higher or other duties shall be imposed on the importation into the territories of the Republic of Nicaragua of any article being the growth, produce, or manufacture of the United States, than are or shall be payable upon the like articles being the growth, produce, or manufacture of any other foreign country; nor shall any other or higher duties or charges be imposed in the Territories of either of the high contracting parties on the exportation of any articles to the Territories of the other than such as are or may be payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed upon the importation or exportation of any articles the growth, produce, or manufacture of the territories of the United States or the Republic of Nicaragua to or from the said territories of the United States, or to or from the Republic of Nicaragua, which shall not equally extend to all other nations.

Prohibition.

ARTICLE V.

Tonnage duties, harbor dues, &c.

No higher or other duties or payments on account of tonnage, of light or harbor dues, or pilotage, of salvage in case of either damage or shipwreck, or on account of any local charges, shall be imposed in any of the ports of Nicaragua on vessels of the United States than those payable by Nicaraguan vessels, nor in any of the ports

of the United States on Nicaraguan vessels than shall be payable in the same ports on vessels of the United States.

ARTICLE VI.

The same duties shall be paid on the importation into the territories of the Republic of Nicaragua of any articles being the growth, produce, or manufacture of the territories of the United States, whether such importation shall be made in Nicaraguan vessels or in the vessels of the United States; and the same duties shall be paid on the importation into the territories of the United States of any article being the growth, produce, or manufacture of the Republic of Nicaragua, whether such importation shall be made in Nicaraguan or United States vessels. The same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation to the Republic of Nicaragua, of any article, being the growth, produce, or manufacture of the territories of the United States, whether such exportation shall be made in Nicaraguan or United States vessels; and the same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any articles, being the growth, produce, or manufacture of the Republic of Nicaragua to the territories of the United States, whether such exportation shall be made in the vessels of the United States or of Nicaragua.

Duties on imports the same in vessels of either country.

ARTICLE VII.

All merchants, commanders of ships, and others, citizens of the United States, shall have full liberty in all the territories of the Republic of Nicaragua to manage their own affairs themselves, as permitted by the laws, or to commit them to the management of whomsoever they please, as broker, factor, agent, or interpreter; nor shall they be obliged to employ any other persons in those capacities than those employed by Nicaraguans, nor to pay them any other salary or remuneration than such as is paid in like cases by Nicaraguan citizens; and absolute freedom shall be allowed in all cases to the buyer and seller to bargain and fix the price of any goods, wares, or merchandise imported into or exported from the Republic of Nicaragua as they shall see good, observing the laws and established customs of the country.

Rights of citizens of each country in the territory of the other.

The same privileges shall be enjoyed in the territories of the United States by the citizens of the Republic of Nicaragua under the same conditions.

Privileges.

The citizens of the high contracting parties shall reciprocally receive and enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice in said countries, respectively, for the prosecution and defence of their just rights; and they shall be at liberty to employ, in all cases, advocates, attorneys, or agents, of whatsoever description, whom they may think proper; and they shall enjoy, in this respect, the same rights and privileges therein as native citizens.

Protection to persons and property.

ARTICLE VIII.

In whatever relates to the police of the ports, the lading and unlading of ships, the safety of merchandise, goods, and effects, the succession to personal estates, by will or otherwise, and the disposal of personal property of every sort and denomination

Rights of citizens of each country in the territory of the other.

by sale, donation, exchange, testament, or any other manner whatsoever, as also the administration of justice, the citizens of the two high contracting parties shall reciprocally enjoy the same privileges, liberties, and rights as native citizens; and they shall not be charged in any of these respects with any higher imposts or duties than those which are or may be paid by native citizens, submitting, of course, to the local laws and regulations of each country, respectively.

Real estate.

The foregoing provisions shall be applicable to real estate situated within the States of the American Union, or within the Republic of Nicaragua, in which foreigners shall be entitled to hold or inherit real estate. But in case real estate situated within the territories of one of the contracting parties should fall to a citizen of the other party, who, on account of his being an alien, could not be permitted to hold such property in the State in which it may be situated, there shall be accorded to the said heir, or other successor, such time as the laws of the State will permit to sell such property. He shall be at liberty, at all times, to withdraw and export the proceeds thereof without difficulty, and without paying to the Government any other charges than those which would be paid by an inhabitant of the country in which the real estate may be situated.

Estates of deceased persons.

If any citizen of the two high contracting parties shall die without a will or testament in any of the territories of the other, the Minister or Consul, or other Diplomatic Agent of the nation to which the deceased belonged, (or the representative of such Minister or Consul, or other Diplomatic Agent, in case of absence,) shall have the right to nominate curators to take charge of the property of the deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased, giving proper notice of such nomination to the authorities of the country.

ARTICLE IX.

Intermarriage and holding property not to change national character.

1. The citizens of the United States residing in Nicaragua, or the citizens of Nicaragua residing in the United States, may intermarry with the natives of the country; hold and possess, by purchase, marriage, or descent, any estate, real or personal, without thereby changing their national character, subject to the laws which now exist or may be enacted in this respect.

Exemption from compulsory military service and contributions.

2. The citizens of the United States residents in the Republic of Nicaragua, and the citizens of Nicaragua residents in the United States, shall be exempted from all forced or compulsory military service whatsoever, by land or sea; from all contributions of war, military exactions, forced loans in time of war; but they shall be obliged, in the same manner as the citizens of each nation, to pay lawful taxes, municipal and other modes of imposts, and ordinary charges, loans, and contributions in time of peace, (as the citizens of the country are liable,) in just proportion to the property owned.

Property not to be taken unless, &c.

3. Nor shall the property of either, of any kind, be taken for any public object without full and just compensation to be paid in advance; and

Freedom of travel and intercourse.

4. The citizens of the two high contracting parties shall have the unlimited right to go to any part of the territories of the other, and in all cases enjoy the same security as the natives of the country where they reside, with the condition that they duly observe the laws and ordinances.

ARTICLE X.

It shall be free for each of the two high contracting parties to appoint Consuls for the protection of trade, to reside in any of the territories of the other party. But before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and either of the high contracting parties may except from the residence of Consuls such particular places as they judge fit to be excepted.

Consuls.

Recognition.

Residence.

The Diplomatic Agents of Nicaragua and Consuls shall enjoy in the territories of the United States whatever privileges, exemptions, and immunities are or shall be allowed to the agents of the same rank belonging to the most favored nations; and in the like manner the Diplomatic Agents and Consuls of the United States in Nicaragua shall enjoy, according to the strictest reciprocity, whatever privileges, exemptions, and immunities are or may be granted in the Republic of Nicaragua to the Diplomatic Agents and Consuls of the most favored nations.

Privileges and immunities.

Diplomatic Agents and Consuls.

ARTICLE XI.

For the better security of commerce between the citizens of the United States and the citizens of Nicaragua, it is agreed, that if at any time any interruption of friendly intercourse, or any rupture, should unfortunately take place between the two high contracting parties, the citizens of either, who may be within the territories of the other, shall, if residing on the coast, be allowed six months, and if in the interior, a whole year, to wind up their accounts, and dispose of their property; and a safe-conduct shall be given to them to embark at any port they themselves may select. Even in case of rupture, all such citizens of either of the high contracting parties, who are established in any of the territories of the other, in trade or other employment, shall have the privilege of remaining and of continuing such trade or employment, without any manner of interruption, in the full enjoyment of liberty and property, so long as they behave peaceably, and commit no offence against the laws; and their goods and effects, of whatever description they may be, whether in their own custody, or intrusted to individuals or to the State, shall not be liable to seizure or sequestration, nor to any other charges or demands than those which may be made upon the like effects or property belonging to the native citizens of the country in which such citizens may reside. In the same case, debts between individuals, property in public funds, and shares of companies, shall never be confiscated, nor detained, nor sequestered.

In case of unfriendly relation, citizens may remove property.

ARTICLE XII.

The citizens of the United States and the citizens of the Republic of Nicaragua, respectively, residing in any of the territories of the other party, shall enjoy in their houses, persons, and property, the protection of the Government, and shall continue in possession of the guarantees which they now enjoy. They shall not be disturbed, molested, or annoyed in any manner on account of their religious belief, nor in the proper exercise of their religion, agreeably to the system of tolerance established in the territories of the high contracting parties; provided they respect the religion of the nation in which they reside, as well as the constitution, laws, and customs of the country.

Rights of residents, citizens of the other country.

Liberty shall also be granted to bury the citizens of either of the two high contracting parties, who may die in the territories aforesaid, in burial-places of their own, which in the same manner may be freely established and maintained; nor shall the funerals or sepulchres of the dead be disturbed in any way or upon any account.

ARTICLE XIII.

Refuge and asylum.

Whenever a citizen of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other with their vessels, whether merchant or war, public or private, through stress of weather, pursuit of pirates or enemies, or want of provisions or water, they shall be received and treated with humanity, and given all favor and protection for repairing their vessels, procuring provisions, and placing themselves in all respects in a condition to continue their voyage without obstacle of any kind.

ARTICLE XIV.

Right of transit between the Atlantic and Pacific Oceans.

The Republic of Nicaragua hereby grants to the United States, and to their citizens and property, the right of transit between the Atlantic and Pacific Oceans through the territory of that Republic, on any route of communication, natural or artificial, whether by land or by water, which may now or hereafter exist or be constructed under the authority of Nicaragua, to be used and enjoyed in the same manner and upon equal terms by both Republics and their respective citizens; the Republic of Nicaragua, however, reserving its rights of sovereignty over the same.

ARTICLE XV.

Neutrality, &c., of the routes to be guaranteed.

The United States hereby agree to extend their protection to all such routes of communication as aforesaid, and to guarantee the neutrality and innocent use of the same. They also agree to employ their influence with other nations to induce them to guarantee such neutrality and protection.

Free port.

No tonnage or other duties.

Conveyance of troops.

Tolls.

And the Republic of Nicaragua, on its part, undertakes to establish one free port at each extremity of one of the aforesaid routes of communication between the Atlantic and Pacific Oceans. At these ports no tonnage or other duties shall be imposed or levied by the Government of Nicaragua on the vessels of the United States, or on any effects or merchandise belonging to citizens or subjects of the United States, or upon the vessels or effects of any other country intended, bona fide, for transit across the said routes of communication, and not for consumption within the Republic of Nicaragua. The United States shall also be at liberty, on giving notice to the Government or authorities of Nicaragua, to carry troops and munitions of war in their own vessels, or otherwise, to either of said free ports, and shall be entitled to their conveyance between them without obstruction by said Government or authorities, and without any charges or tolls whatever for their transportation on either of said routes; provided said troops and munitions of war are not intended to be employed against Central American nations friendly to Nicaragua. And no higher or other charges or tolls shall be imposed on the conveyance or transit of persons and property of citizens or subjects of the United

States, or of any other country, across the said routes of communication, than are or may be imposed on the persons and property of citizens of Nicaragua.

And the Republic of Nicaragua concedes the right of the Postmaster-General of the United States to enter into contracts with any individuals or companies to transport the mails of the United States along the said routes of communication, or along any other routes across the Isthmus, in its discretion, in closed bags, the contents of which may not be intended for distribution within the said Republic, free from the imposition of all taxes or duties by the Government of Nicaragua; but this liberty is not to be construed so as to permit such individuals or companies, by virtue of this right to transport the mails, to carry also passengers or freight.

ARTICLE XVI.

Protection of persons and property on transit routes.

The Republic of Nicaragua agrees that, should it become necessary at any time to employ military forces for the security and protection of persons and property passing over any of the routes aforesaid, it will employ the requisite force for that purpose; but upon failure to do this from any cause whatever, the Government of the United States may, with the consent, or at the request of the Government of Nicaragua, or of the Minister thereof at Washington, or of the competent legally appointed local authorites, civil or military, employ such force for this and for no other purpose; and when, in the opinion of the Government of Nicaragua, the necessity ceases, such force shall be immediately withdrawn.

United States may protect routes by force.

In the exceptional case, however, of unforeseen or imminent danger to the lives or property of citizens of the United States, the forces of said Republic are authorized to act for their protection without such consent having been previously obtained.

But no duty or power imposed upon or conceded to the United States by the provisions of this article shall be performed or exercised except by authority and in pursuance of laws of Congress hereafter enacted. It being understood that such laws shall not affect the protection and guarantee of the neutrality of the routes of transit, nor the obligation to withdraw the troops which may be disembarked in Nicaragua directly that, in the judgment of the Government of this Republic, they should no longer be necessary, nor in any manner bring about new obligations on Nicaragua, nor alter her rights in virtue of the present treaty.

ARTICLE XVII.

Protection by the United States may be withdrawn.

It is understood, however, that the United States, in according protection to such routes of communication, and guaranteeing their neutrality and security, always intend that the protection and guarantee are granted conditionally, and may be withdrawn if the United States should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this treaty, either by making unfair discriminations in favor of the commerce of any country or countries over the commerce of any other country or countries, or by imposing oppressive exactions or unreasonable tolls upon mails, passengers, vessels, goods, wares, merchandise, or other articles. The aforesaid protection and guarantee shall not, however, be withdrawn by the United States without first giving six months' notice to the Republic of Nicaragua.

ARTICLE XVIII.

Rights of citizens.

And it is further agreed and understood that in any grants or contracts which may hereafter be made or entered into by the Government of Nicaragua, having reference to the inter-oceanic routes above referred to, or either of them, the rights and privileges granted by this treaty to the Government and citizens of the United States shall be fully protected and reserved. And if any such grants or contracts now exist, of a valid character, it is further understood that the guarantee and protection of the United States, stipulated in Article XV of this treaty, shall be held inoperative and void until the holders of such grants and contracts shall recognize the concessions made in this treaty to the Government and citizens of the United States with respect to such inter-oceanic routes, or either of them, and shall agree to observe and be governed by these concessions as fully as if they had been embraced in their original grants or contracts; after which recognition and agreement said guarantee and protection shall be in full force; provided that nothing herein contained shall be construed either to affirm or to deny the validity of the said contracts.

ARTICLE XIX.

Dividends.

After ten years from the completion of a railroad, or any other route of communication through the territory of Nicaragua, from the Atlantic to the Pacific Ocean, no company which may have constructed or be in possession of the same shall ever divide, directly or indirectly, by the issue of new stock, the payment of dividends or otherwise, more than fifteen per cent. per annum, or at that rate, to its stockholders from tolls collected thereupon; but whenever the tolls shall be found to yield a larger profit than this, they shall be reduced to the standard of fifteen per cent. per annum.

ARTICLE XX.

Treaty to remain in force fifteen years.

The two high contracting parties, desiring to make this treaty as durable as possible, agree that this treaty shall remain in full force for the term of fifteen years from the day of the exchange of the ratifications; and either party shall have the right to notify the other of its intention to terminate, alter, or reform this treaty, at least twelve months before the expiration of the fifteen years; if no such notice be given, then this treaty shall continue binding beyond the said time, and until twelve months shall have elapsed from the day on which one of the parties shall notify the other of its intention to alter, reform, or abrogate this treaty.

ARTICLE XXI.

When to be ratified.

The present treaty shall be ratified, and the ratifications exchanged at the city of Managua, within one year, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the same, and affixed thereto their respective seals.

Done at the city of Managua, this twenty-first day of June, in the year of our Lord one thousand eight hundred and sixty-seven.

A. B. DICKINSON. [L. S.]
TOMAS AYON. [L. S.]

NICARAGUA, 1870.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF NICARAGUA RELATIVE TO EXTRADITION. SIGNED JUNE 25, 1870; RATIFICATIONS EXCHANGED JUNE 24, 1871; PROCLAIMED SEPTEMBER 19, 1871.

The United States of America and the Republic of Nicaragua, having judged it expedient, with a view to the better administration of justice, and to prevention of crimes within their respective territories and jurisdiction, that persons convicted of, or charged with the crimes hereinafter mentioned, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a convention for that purpose, and have appointed as their Plenipotentiaries: Contracting parties.

The President of the United States, Charles N. Riotte, a citizen and Minister Resident of the United States in Nicaragua, the President of the Republic of Nicaragua, Mister Tomas Ayon, Minister for For[eign] Relations;

Who, after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles, viz:

ARTICLE I.

The Government of the United States and the Government of Nicaragua mutually agree to deliver up persons who, having been convicted of or charged with the crimes specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other: Provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial, if the crime had been there committed. Persons convicted of or charged with certain crimes, &c., to be given up. Proof, &c.

ARTICLE II.

Persons shall be delivered up, who shall have been convicted of, or be charged, according to the provisions of this convention, with any of the following crimes: Crimes.

1. Murder, comprehending assassination, parricide, infanticide, and poisoning. Murder.

2. The crimes of rape, arson, piracy, and mutiny on board a ship, whenever the crew, or part thereof, by fraud or violence against the commander, have taken possession of the vessel. Rape, arson, piracy, &c.

3. The crime of burglary, defined to be the action of breaking and entering by night into the house of another with the intent to commit felony; and the crime of robbery, defined to be the action of feloniously and forcibly taking from the person of another goods or money, by violence, or putting him in fear. Burglary and robbery.

4. The crime of forgery, by which is understood the utterance of forged papers, the counterfeiting of public, sovereign, or government acts. Forgery.

5. The fabrication or circulation of counterfeit money, either coin or paper, of public bonds, bank-notes, and obligations, and in general of all titles of instruments of credit, the counter- Counterfeiting.

feiting of seals, dies, stamps, and marks of State and public administrations, and the utterance thereof.

Embezzlement by public officers, &c.

6. The embezzlement of public moneys, committed within the jurisdiction of either party, by public officers or depositors.

Embezzlement by persons hired or salaried, &c.

7. Embezzlement by any person or persons hired or salaried, to the detriment of their employers, when these crimes are subjected to infamous punishment.

ARTICLE III.

Political offences not included in the treaty.

The provisions of this treaty shall not apply to any crime or offence of a political character, and the person or persons delivered up for the crimes enumerated in the preceding article, shall in no case be tried for any ordinary crime, committed previously to that for which his or their surrender is asked.

ARTICLE IV.

Extradition may be deferred, if, &c.

If the person, whose surrender may be claimed pursuant to the stipulations of the present treaty, shall have been arrested for the commission of offences in the country where he has sought an asylum, or shall have been convicted thereof, his extradition may be deferred until he shall have been acquitted, or have served the term of imprisonment to which he may have been sentenced.

ARTICLE V.

Requisitions for surrender of fugitives, how to be made.

Requisitions for the surrender of fugitives from justice shall be made by the respective Diplomatic Agents of the contracting parties, or, in the event of the absence of these from the country or its seat of government, they may be made by superior consular officers. If the person whose extradition may be asked for shall have been convicted of a crime, a copy of the sentence of the court in which he may have been convicted, authenticated under its seal, and an attestation of the official character of the judge by the proper executive authority, and of the latter by the Minister or Consul of the United States or of Nicaragua, respectively, shall accompany the requisition. When, however, the fugitive shall have been merely charged with crime, a duly authenticated copy of the warrant for his arrest in the country where the crime may have been committed, and of the depositions upon which such warrant may have been issued, must accompany the requisition as aforesaid. The President of the United States, or the proper executive authority in Nicaragua, may then issue a warrant for the apprehension of the fugitive, in order that he may be brought before the proper judicial authority for examining the question of extradition. If it should then be decided that, according to law and evidence, the extradition is due pursuant to this treaty, the fugitive may be given up according to the forms prescribed in such cases.

Proof of the crime.

Warrant for arrest.

Extradition.

ARTICLE VI.

Expenses.

The expenses of the arrest, detention, and transportation of the persons claimed shall be paid by the Government in whose name the requisition shall have been made.

ARTICLE VII.

This convention shall continue in force during five (5) years from the day of exchange of ratifications; but if neither party shall have given to the other six (6) months previous notice of its intention to terminate the same, the convention shall remain in force five (5) years longer, and so on.

Convention to continue how long.

The present convention shall be ratified and the ratifications exchanged at the capital of Nicaragua, or any other place temporally occupied by the Nicaraguan Government, within twelve (12) months, or sooner if possible.

When to be ratified.

In witness whereof the respective Plenipotentiaries have signed the present convention in duplicate, and have thereunto affixed their seals.

Signature.

Done at the city of Managua, capital of the Republic of Nicaragua, the twenty-fifth day of June, one thousand eight hundred and seventy, of the Independence of the United States the ninety-fourth, and of the Independence of Nicaragua the fifty-ninth.

[SEAL.] CHARLES N. RIOTTE.
[SEAL.] TOMAS AYON.

NORTH GERMAN UNION.

NORTH GERMAN UNION, 1868.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE KING OF PRUSSIA, RELATIVE TO NATURALIZATION. CONCLUDED AT BERLIN FEBRUARY 22, 1868; RATIFICATIONS EXCHANGED MAY 9, 1868; PROCLAIMED BY THE PRESIDENT OF THE UNITED STATES MAY 27, 1868.

Contracting parties.

The President of the United States of America and His Majesty the King of Prussia in the name of the North German Confederation, led by the wish to regulate the citizenship of those persons who emigrate from the North German Confederation to the United States of America, and from the United States of America to the territory of the North German Confederation, have resolved to treat on this subject, and have for that purpose appointed Plenipotentiaries to conclude a convention, that is to say: The President of the United States of America, George Bancroft, Envoy Extraordinary and Minister Plenipotentiary from the said States near the King of Prussia and the North German Confederation; and His Majesty the King of Prussia, Bernhard König, Privy Councillor of Legation; who have agreed to and signed the following articles:

ARTICLE I.

When North Germans to be treated as American citizens.

Citizens of the North German Confederation, who become naturalized citizens of the United States of America and shall have resided uninterruptedly within the United States five years, shall be held by the North German Confederation to be American citizens, and shall be treated as such.

When Americans to be treated as North German citizens.

Reciprocally, citizens of the United States of America who become naturalized citizens of the North German Confederation, and shall have resided uninterruptedly within North Germany five years, shall be held by the United States to be North German citizens, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

This article shall apply as well to those already naturalized in either country as those hereafter naturalized.*

ARTICLE II.

Naturalized citizens liable for offences committed before emigration.

A naturalized citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country and committed before his emigration; saving, always, the limitation established by the laws of his original country.

* This clause is an amendment made by the Senate of the United States in the resolution assenting to the exchange.

ARTICLE III.

The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States on the one part and Prussia and other States of Germany on the other part, the sixteenth day of June, one thousand eight hundred and fifty-two, is hereby extended to all the States of the North German Confederation.

Former convention for extradition of fugitives from justice extended.

ARTICLE IV.

If a German naturalized in America renews his residence in North Germany, without the intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally, if an American naturalized in North Germany renews his residence in the United States, without the intent to return to North Germany, he shall be held to have renounced his naturalization in North Germany. The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

When Germans naturalized in America are held to renounce their naturalization.

ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

Duration of convention.

ARTICLE VI.

The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by His Majesty the King of Prussia, in the name of the North German Confederation; and the ratifications shall be exchanged at Berlin within six months from the date hereof.

In faith whereof, the Plenipotentiaries have signed and sealed this convention.

BERLIN, *the 22d of February*, 1868.

GEORGE BANCROFT. [SEAL.]
BERNHARD KÖNIG. [SEAL.]

PROTOCOL.

Whereas a convention was made on the 22d of February, 1868, between the United States of America and the North German Confederation, to regulate the citizenship of those persons who emigrate from the United States of America to the territory of the North German Confederation, and from the North German Confederation to the United States of America;

And whereas the Senate of the United States of America, to leave no doubt of the true interpretation of the first article of the said convention,

did, on the 26th day of March, 1868, adopt as the conclusion of the said article an amendment in the words following, to wit:

"This article shall apply as well to those already naturalized in either country as those hereafter naturalized;"

And whereas this amendment was communicated by the United States to the Government of the North German Confederation before the exchange of ratifications of the convention, and was then accepted by the North German Confederation as the true and only just interpretation of the said first article of the said convention:

The undersigned Plenipotentiaries, who were formerly appointed to treat on the regulation of citizenship as aforesaid, and who concluded and signed the said convention of the 22d of February, 1868, that is to say:

George Bancroft, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, and

Bernhard König, Privy Councillor of Legation, have this day met, and being duly authorized, have agreed to and signed and exchanged the present protocol.

The said amendment is recognized by the United States of America and by the North German Confederation as a part of the convention between the United States of America and the North German Confederation, of which the ratifications were exchanged on the 9th day of May, 1868.

In faith whereof the Plenipotentiaries have signed, sealed, and exchanged this protocol.

Berlin, the 12th day of June, 1871.

GEORGE BANCROFT. [SEAL.]
BERNHARD KÖNIG. [SEAL.]

OLDENBURG.

OLDENBURG, 1847.

DECLARATION OF ACCESSION OF HIS ROYAL HIGHNESS THE GRAND DUKE OF OLDENBURG, UNDER THE TWELFTH ARTICLE OF THE TREATY WITH HANOVER OF JUNE 10, 1846. SIGNED MARCH 10, 1847.

[Oldenburg became a State of the North German Union under the constitution of the latter, which took effect July 1, 1867.]

Preamble.

Whereas a treaty of navigation and commerce between the United States of America and His Majesty the King of Hanover was concluded at Hanover on the 10th day of June last, by the Plenipotentiaries of the contracting parties, and was subsequently duly ratified on the part of both Governments;

And whereas by the terms of the twelfth article of the same, "the United States agree to extend all the advantages and privileges contained in the stipulations of the present treaty to one or more of the other States of the Germanic Confederation, which may wish to accede to them, by means of an official exchange of declarations; provided that such State or States shall confer similar favors upon the said United States to those conferred by the Kingdom of Hanover, and observe and be subject to the same conditions, stipulations, and obligations;"

And whereas the Government of His Royal Highness the Grand Duke of Oldenburg has signified its desire to accede to the said treaty, and to all the stipulations and provisions therein contained, so far as the same are or may be applicable to the two countries, and to become a party thereto; that is to say, to all the said stipulations and provisions, excepting only those relating to the Stade and the Weser tolls, in which the Government of Oldenburg has no interest, and over which it has no control:

Declaration of accession of the Grand Duchy of Oldenburg to the treaty with Hanover.

Now, therefore, the undersigned, Baron W. E. de Beaulieu Marconnay, of the Privy Council of His Royal Higness, and at the head of the Department of Foreign Affairs, on the part of Oldenburg, and A. D. Mann, Special Agent on the part of the United States, invested with full powers to this effect, found in good and due form, have this day signed in duplicate, and have exchanged this declaration of the accession (hereby agreed to on the part of the United States) of His Royal Highness the Grand Duke of Oldenburg, for the Duchy of Oldenburg, to the treaty aforesaid, the effect of which accession and agreement is hereby declared to be to establish the said treaty between the high parties to this declaration as fully and perfectly, to all intents and purposes, as if all the provisions therein contained, excepting as above excepted, had been recited word for word in a separate treaty, concluded and ratified between them in the ordinary form.

Signed March 10, 1847.

In witness whereof the above-named Plenipotentiaries have hereto affixed their names and seals. Done at Oldenburg this tenth day of March, 1847.

W. E. VON BEAULIEU MARCONNAY. [L. S.]
A. DUDLEY MANN. [L. S.]

OLDENBURG, 1853.

DATE, DECEMBER 30, 1853; PROCLAIMED MARCH 21, 1854.

[On the 30th of December, 1853, the Government of His Royal Highness the Grand Duke of Oldenburg formally declared its accession to the convention of the 16th of June, 1852, between the United States and Prussia and other States of the Germanic Confederation, for the mutual delivery of criminals fugitives from justice in certain cases.]

THE OTTOMAN PORTE.

THE OTTOMAN PORTE, 1830.

TREATY WITH THE OTTOMAN PORTE. CONCLUDED MAY 7, 1830; RATIFIED FEBRUARY 2, 1831; PROCLAIMED FEBRUARY 4, 1832. (*a*)

The object of this firm instrument, and the motive of this writing well drawn up, is, that—

No treaty or diplomatic and official convention having heretofore existed between the Sublime Porte, of perpetual duration, and the United States of America, at this time, in consideration of the desire formerly expressed, and of repeated propositions which have lately been renewed by that Power, and in consequence of the wish entertained by the Sublime Porte to testify to the United States of America its sentiments of friendship, we, the undersigned Commissioner, invested with the high office of Chief of the Chancery of State of the Sublime Porte, existing forever, having been permitted by His very Noble Imperial Majesty to negotiate and conclude a treaty, and having thereupon conferred with our friend the Honorable Charles Rhind, who has come to this Imperial Residence furnished with full powers to negotiate, settle, and conclude the articles of a treaty, separately and jointly with the other two Commissioners, Commodore Biddle and David Offley, now at Smyrna, have arranged, agreed upon, and concluded the following articles:

Motives to treaty.

ARTICLE I.

Merchants of the Sublime Porte, whether Mussulmans or Rayahs, going and coming in the countries, provinces, and ports of the United States of America, or proceeding from one port to another, or from the ports of the United States to those of other countries, shall pay the same duties and other imposts that are paid by the most favored nations; and they shall not be vexed by the exaction of higher duties; and, in travelling by sea and by land, all the privileges and distinctions observed towards the subjects of other Powers shall serve as a rule, and shall be observed towards the merchants and subjects of the Sublime Porte. In like manner, American merchants who shall come to the well-defended countries and ports of the Sublime Porte shall pay the same duties and other imposts that are paid by merchants of the most favored friendly Powers, and they shall not, in any way, be vexed or molested; on both sides travelling passports shall be granted.

Merchants.

ARTICLE II.

The Sublime Porte may establish Shahbenders (Consuls) in the United States of America, and the United States may appoint their citizens to be Consuls or Vice-Consuls at the commercial

Consuls.

(*a*) Translation from the original Turkish of the treaty concluded between the United States and the Ottoman Porte.

places in the dominions of the Sublime Porte where it shall be found needful to superintend the affairs of commerce. These Consuls or Vice-Consuls shall be furnished with berats or firmans; they shall enjoy suitable distinction, and shall have necessary aid and protection.

ARTICLE III.

Employment of brokers.

American merchants established in the well-defended States of the Sublime Porte for purposes of commerce shall have liberty to employ semsars, (brokers,) of any nation or religion, in like manner as merchants of other friendly Powers; and they shall not be disturbed in their affairs, nor shall they be treated, in any way, contrary to established usages. American vessels arriving at or departing from the ports of the Ottoman Empire shall not be subjected to greater visit by the officers of the custom-house and the Chancery of the Port than vessels of the most favored nations.

American vessels.

ARTICLE IV.

Settlement of disputes.

If litigations and disputes should arise between the subjects of the Sublime Porte and citizens of the United States, the parties shall not be heard, nor shall judgment be pronounced unless the American Dragoman be present. Causes in which the sum may exceed five hundred piastres, shall be submitted to the Sublime Porte, to be decided according to the laws of equity and justice. Citizens of the United States of America, quietly pursuing their commerce, and not being charged or convicted of any crime or offence, shall not be molested; and even when they may have committed some offence they shall not be arrested and put in prison, by the local authorities, but they shall be tried by their Minister or Consul, and punished according to their offence, following, in this respect, the usage observed towards other Franks.

Jurisdiction over American citizens.

ARTICLE V.

United States flag to be respected.

American merchant vessels that trade to the dominions of the Sublime Porte, may go and come in perfect safety with their own flag; but they shall not take the flag of any other Power, nor shall they grant their flag to the vessels of other nations and Powers, nor to vessels of rayahs. The Minister, Consuls, and Vice-Consuls of the United States shall not protect, secretly or publicly, the rayahs of the Sublime Porte, and they shall never suffer a departure from the principles here laid down and agreed to by mutual consent.

ARTICLE VI.

Vessels of war of the two contracting parties, shall observe towards each other, demonstrations of friendship and good intelligence, according to naval usage; and towards merchant vessels they shall exhibit the same kind and courteous manner.

ARTICLE VII.

Passage of the Dardanelles.

Merchant vessels of the United States, in like manner as vessels of the most favored nations, shall have liberty to pass the Canal of the Imperial Residence, and go and come in the

Black Sea, either laden or in ballast; and they may be laden with the produce, manufactures, and effects of the Ottoman Empire, excepting such as are prohibited, as well as of their own country.

ARTICLE VIII.

Merchant vessels of the two contracting Parties shall not be forcibly taken, for the shipment of troops, munitions and other objects of war, if the captains or proprietors of the vessels, shall be unwilling to freight them.

Ships not to be impressed

ARTICLE IX.

If any merchant vessel of either of the contracting parties should be wrecked, assistance and protection shall be afforded to those of the crew that may be saved; and the merchandise and effects, which it may be possible to save and recover, shall be conveyed to the Consul nearest to the place of the wreck, to be, by him, delivered to the proprietors.

Wrecks.

CONCLUSION.

The foregoing articles, agreed upon and concluded between the Riasset (Chancery of State,) and the above-mentioned Commissioner of the United States, when signed by the other two commissioners, shall be exchanged. In ten months from the date of this temessuck, or instruments of treaty, the exchange of the ratifications of the two Powers shall be made, and the articles of this treaty shall have full force and be strictly observed by the two contracting Powers.

Ratifications.

Given the 14th day of the moon Zilcaade, and in the year of the Hegira 1245, corresponding with the 7th day of May, of the year 1830 of the Christian æra.

MOHAMMED HAMED,
Reis-ul-Kutab, (Reis Effendi.)

OTTOMAN EMPIRE, 1862.

TREATY OF COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA AND THE OTTOMAN EMPIRE. CONCLUDED AT CONSTANTINOPLE FEBRUARY 25 ,1862; RATIFICATIONS EXCHANGED JUNE 5, 1862; PROCLAIMED JULY 2, 1862.

Treaty of commerce and navigation between the United States of America and the Ottoman Empire.

The United States of America, on the one part, and His Imperial Majesty the Sultan of the Ottoman Empire, on the other part, being equally animated by the desire of extending the commercial relations between their respective countries, have agreed, for this purpose, to conclude a treaty of commerce and navigation, and have named as their respective Plenipotentiaries, that is to say:

Contracting parties.

The President of the United States of America, Edward Joy Morris, Minister Resident at the Sublime Porte; and His Imperial Majesty the Sultan of the Ottoman Empire, His Highness

Plenipotentiaries.

Mehemed Emin Aali Pacha, Minister of Foreign Affairs, decorated with the Imperial Orders of the Othmanieh in Brilliants, the Majidieh, and Order of Merit of the first class, and the Grand Crosses of several foreign orders;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Privileges, &c., of former treaties confirmed, except as herein modified.

All rights, privileges, and immunities, which have been conferred on the citizens or vessels of the United States of America by the treaty already existing between the United States of America and the Ottoman Empire, are confirmed, now and forever, with the exception of those clauses of the said treaty which it is the object of the present treaty to modify; and it is moreover expressly stipulated that all rights, privileges, or immunities, which the Sublime Porte now grants, or may hereafter grant to, or suffer to be enjoyed by the subjects, ships, commerce, or navigation of any other foreign Power, shall be equally granted to and exercised and enjoyed by the citizens, vessels, commerce, and navigation of the United States of America.

Rights of most favored nation.

ARTICLE II.

Citizens of the United States may make purchases in the Ottoman Empire.

The citizens of the United States of America, or their agents, shall be permitted to purchase, at all places in the Ottoman Empire and its possessions, (whether for the purposes of internal trade or of exportation,) all articles, without any exception whatsoever, the produce or manufacture of the said Empire and possessions; and the Sublime Porte having, in virtue of the second article of the convention of commerce of the 16th of August, 1838, with Great Britain, formally engaged to abolish all monopolies of agricultural produce, or of every other article whatsoever, as well as all "permits" (*tezkerehs*) from the local Governors, either for the purchase of any article or for its removal from one place to another when purchased, any attempt to compel the citizens of the United States of America to receive such "permits" from the local Governors shall be considered as an infraction of this treaty, and the Sublime Porte shall immediately punish with severity any Viziers or other officers who shall have been guilty of such misconduct, and shall render full justice to citizens of the United States of America for all losses or injuries which they may duly prove themselves to have suffered thereby.

"Permits" abolished.

ARTICLE III.

Duties.

If any articles of Ottoman produce or manufacture be purchased by citizens of the United States of America, or their agents, for the purpose of selling the same for internal consumption in Turkey, the said citizens, or their agents, shall pay at the purchase and sale of such articles, and in any manner of trade therein, the same duties that are paid in similar circumstances by the most favored class of Ottoman subjects, or of foreigners in the internal trade of the Ottoman Empire.

ARTICLE IV.

Duties on exports.

No other or higher duties or charges shall be imposed in the dominions and possessions of either of the contracting parties, on the exportation of any article to the dominions and possessions

of the other, than such as are or may be payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed on the exportation of any article from the dominions and possessions of either of the two contracting Powers to the dominions and possessions of the other, which shall not equally extend to the exportation of the like article to any other country.

Prohibitions.

No charge or duty whatsoever will be demanded on any article of Ottoman produce or manufacture purchased by citizens of the United States of America, or their agents, either at the place where such article is purchased, or in its transit from that place to the place whence it is exported, at which it will be subject to an export duty not exceeding eight per cent., calculated on the value at the place of shipment, and payable on exportation; and all articles which shall once have paid this duty shall not again be liable to the same duty, however they may have changed hands within any part of the Ottoman Empire.

Export duty of eight per cent.

It is furthermore agreed that the duty of eight per cent. above mentioned will be annually reduced by one per cent., until it shall be in this manner finally reduced to a fixed duty of one per cent. ad valorem, destined to cover the general expenses of administration and control.

To be reduced one per cent. annually.

ARTICLE V.

No other or higher duties shall be imposed on the importation into the United States of America of any article the produce or manufacture of the dominions and possessions of His Imperial Majesty the Sultan, from whatever place arriving, whether by sea or by land; and no other or higher duties shall be imposed on the importation into the dominions and possessions of His Imperial Majesty of any article the produce or manufacture of the United States of America, from whatever place arriving, than are or may be payable on the like article the produce or manufacture of any other foreign country; nor shall any prohibition be maintained or imposed on the importation of any article the produce or manufacture of the dominions and possessions of either of the contracting parties into the dominions and possessions of the other, which shall not equally extend to the importation of the like articles being the produce or manufacture of any other country.

Duties on imports.

Prohibitions.

His Imperial Majesty further engages that, save as hereinafter excepted, he will not prohibit the importation into his dominions and possessions of any article the produce and manufacture of the United States of America, from whatever place arriving; and that the duties to be imposed on every article the produce or manufacture of the United States of America imported into the Empire and possessions of His Imperial Majesty the Sultan shall in no case exceed one fixed rate of eight per cent. ad valorem, or a specific duty, fixed by common consent, equivalent thereto. Such rate shall be calculated upon the value of such articles at the wharf, and shall be payable at the time of their being landed, if brought by sea, or at the first custom-house they may reach, if brought by land.

Import duties not to exceed eight per cent.

If these articles, after having paid the import duty of eight per cent., are sold, either at the place of their arrival or in the interior of the country, neither the buyer nor the seller shall be charged with any further duty in respect to them; and if such articles should not be sold for consumption in the Ottoman Empire, but should be re-exported within the space of six months, the same shall be considered as merchandise in transit by land, and be treated as it is

Re-exportation.

stated hereinafter in Article XII of this treaty; the administration of the customs being bound to restore, at the time of their re-exportation, to the merchant, who shall be required to furnish proof that the goods in question have paid the import duty of eight per cent., the difference between that duty and the duty levied on goods in transit by land, as set forth in the article above cited.

ARTICLE VI.

Articles intended for Moldo-Wallachia, or Servia.

It is understood that any article the produce or manufacture of a foreign country intended for importation into the United Principalities of Moldo-Wallachia, or into the Principality of Servia, which shall pass through any other part of the Ottoman Empire, will not be liable to the payment of customs-duty until it reaches those Principalities; and, on the other hand, that any article of foreign produce or manufacture passing through those Principalities, but destined for some other part of the Ottoman Empire, will not be liable to the payment of customs-duty until such article reaches the first custom-house under the direct administration of the Sublime Porte.

For other ports of the Ottoman Empire.

Same rule as to exports.

The same course shall be followed with respect to any article the produce or manufacture of those Principalities, as well as with respect to any article the produce or manufacture of any other portion of the Ottoman Empire, intended for exportation. Such articles will be liable to the payment of customs-duties, the former to the custom-house of the aforesaid Principalities, and the latter to the Ottoman custom-house; the object being that neither import nor export duties shall in any case be payable more than once.

ARTICLE VII.

Warehousing, bounties, drawbacks, &c.

The subjects and citizens of the contracting parties shall enjoy, in the dominions and possessions of the other, equality of treatment with native subjects or citizens in regard to warehousing, and also in regard to bounties, facilities, and drawbacks.

ARTICLE VIII.

Imports in vessels of either country to be charged the same duty.

All articles which are or may be legally importable into the United States of America, in vessels of the United States, may likewise be imported in Ottoman vessels without being liable to any other or higher duties or charges, of whatever denomination, than if such articles were imported in vessels of the United States; and, reciprocally, all articles which are or may be legally importable into the dominions and possessions of His Imperial Majesty the Sultan in Ottoman vessels, may likewise be imported in vessels of the United States without being liable to any other or higher duties or charges, of whatever denomination, than if such articles were imported in Ottoman vessels. Such reciprocal equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin or from any other country. In the same manner there shall be perfect equality of treatment in regard to exportation, so that the same export duties shall be paid, and the same bounties and drawbacks allowed, in the dominions and possessions of either of the contracting parties, on the exportation of any article which is, or may be, legally exportable therefrom, whether such expor-

Same rule as to exports.

tations shall take place in Ottoman or in vessels of the United States, and whatever may be the place of destination, whether a port of either of the contracting parties, or of any third Power.

ARTICLE IX.

No duties of tonnage, harbour, pilotage, light-house, quarantine, or other similar or corresponding duties of whatever nature, or under whatever denomination, levied in the name or for the profit of Government, public functionaries, private individuals, corporations, or establishments of any kind, shall be imposed in the ports of the dominions and possessions of either country upon the vessels of the other country, which shall not equally, and under the same conditions, be imposed, in the like cases, on national vessels in general.

Tonnage duties, harbor, light-house, &c., duties.

Such equality of treatment shall apply reciprocally to the respective vessels, from whatever port or place they may arrive, and whatever may be their place of destination.

ARTICLE X.

All vessels which, according to the laws of the United States, are to be deemed vessels of the United States, and all vessels which, according to Ottoman laws, are to be deemed Ottoman vessels, shall, for the purposes of this treaty, be deemed vessels of the United States and Ottoman vessels respectively.

What to be deemed vessels of the United States and what Ottoman vessels.

ARTICLE XI.

No charge whatsoever shall be made upon goods of the United States, being the produce or manufacture of the United States of America, whether in vessels of the United States or other vessels, nor upon any goods the produce or manufacture of any other foreign country carried in vessels of the United States, when the same shall pass through the Straits of the Dardanelles, or of the Bosphorus, whether such goods shall pass through those straits in the vessels that brought them, or shall have been transhipped to other vessels; or whether, after having been sold for exportation, they shall, for a certain limited time, be landed, in order to be placed in other vessels for the continuance of their voyage. In the latter case, the goods in question shall be deposited at Constantinople, in the magazines of the custom-house, called transit magazines; and &, in any other places where there is no entrepot, they shall be placed under the charge of the administration of the customs.

No charge upon certain goods of the United States.

ARTICLE XII.

The Sublime Porte, desiring to grant, by means of gradual concessions, all facilities in its power to transit by land, it is stipulated and agreed that the duty of three per cent., levied up to this time on articles imported into the Ottoman Empire, in their passage through the Ottoman Empire to other countries, shall be reduced to two per cent., payable as the duty of three per cent. has been paid hitherto, on arriving in the Ottoman dominions; and at the end of eight years, to be reckoned from the day of the exchange of the ratifications of the present treaty, to a fixed and definite tax of one per cent., which shall be

Transit duty.

levied, as is to be the case with respect to Ottoman produce exported, to defray the expense of registration.

Frauds.

The Sublime Porte, at the same time, declares that it reserves to itself the right to establish, by a special enactment, the measures to be adopted for the prevention of fraud.

ARTICLE XIII.

Taxes.

Citizens of the United States of America, or their agents, trading in goods the produce or manufacture of foreign countries, shall be subject to the same taxes and enjoy the same rights, privileges, and immunities, as foreign subjects dealing in goods the produce or manufacture of their own country.

ARTICLE XIV.

Tobacco and salt.

An exception to the stipulations laid down in the fifth article shall be made in regard to tobacco in any shape whatsoever, and also in regard to salt, which two articles shall cease to be included among those which the citizens of the United States of America are permitted to import into the Ottoman dominions.

Traders in tobacco and salt in Turkey.

Citizens of the United States, however, or their agents, buying or selling tobacco or salt for consumption in the Ottoman Empire, shall be subject to the same regulations and shall pay the same duties as the most favored Ottoman subjects trading in the two articles aforesaid; and furthermore, as a compensation for the prohibition of the two articles above-mentioned, no duty whatsoever shall in future be levied on those articles when exported from the Ottoman Empire by citizens of the United States.

No export duty on tobacco and salt.

Regulations as to their exportation.

Citizens of the United States shall, nevertheless, be bound to declare the quantity of tobacco and salt thus exported to the proper custom-house authorities, who shall, as heretofore, have the right to watch over the export of these articles, without thereby being entitled to levy any tax thereon on any pretence whatsoever.

ARTICLE XV.

Importation of gunpowder, arms, &c.

It is understood between the two contracting parties that the Sublime Porte reserves to itself the faculty and right of issuing a general prohibition against the importation into the Ottoman Empire of gunpowder, cannon, arms of war, or military stores, but such prohibition will not come into operation until it shall have been officially notified, and will apply only to the articles mentioned in the decree enacting the prohibition. Any of these articles which have not been so specifically prohibited shall, on being imported into the Ottoman Empire, be subject to the local regulations, unless the legation of the United States of America shall think fit to apply for a special license, which will in that case be granted, provided no valid objection thereto can be alleged.

Gunpowder.

Gunpowder, in particular, when allowed to be imported, will be liable to the following stipulations:

1. It shall not be sold by citizens of the United States in quantities exceeding the quantities prescribed by the local regulations.

2. When a cargo or a large quantity of gunpowder arrives in an Ottoman port, on board a vessel of the United States, such vessel shall be anchored at a particular spot, to be designated by the local authorities, and the gunpowder shall thence be conveyed, under the inspection of

such authorities, to depots, or fitting places designated by the Government, to which the parties interested shall have access under due regulations.

Fowling-pieces, pistols, and ornamental or fancy weapons, as also small quantities of gunpowder for sporting, reserved for private use, shall not be subject to the stipulations of the present article.

Not to apply to what.

ARTICLE XVI.

The firmans required for merchant-vessels of the United States of America, on passing through the Dardanelles and the Bosphorus, shall always be delivered in such manner as to occasion to such vessels the least possible delay.

Firmans.

ARTICLE XVII.

The captains of merchant-vessels of the United States laden with goods destined for the Ottoman Empire shall be obliged, immediately on their arrival at the port of their destination, to deposit in the custom-house of said port a true copy of their manifest.

Manifests to be deposited in custom-house.

ARTICLE XVIII.

Contraband goods will be liable to confiscation by the Ottoman treasury; but a report or *procès verbal* of the alleged act of contraband must, so soon as the said goods are seized by the authorities, be drawn up and communicated to the consular authority of the citizen or subject to whom the goods said to be contraband shall belong; and no goods can be confiscated as contraband unless the fraud with regard to them shall be duly and legally proved.

Contraband.

Proceedings to confiscate.

ARTICLE XIX.

All merchandise the produce or manufacture of the Ottoman dominions and possessions, imported into the United States of America, shall be treated in the same manner as the like merchandise the produce or manufacture of the most favored nation.

Subjects, vessels, and merchandise of the Sublime Porte in the United States.

All rights, privileges, or immunities, which are now or may hereafter be granted to, or suffered to be enjoyed by, the subjects, vessels, commerce, or navigation of any foreign Power in the United States of America shall be equally granted to, and exercised and enjoyed by, the subjects, vessels, commerce, and navigation of the Sublime Porte.

ARTICLE XX.

The present treaty, when ratified, shall be substituted for the commercial convention of the 16th of August, 1838, between the Sublime Porte and Great Britain, on the footing of which the commerce of the United States of America has been heretofore placed, and shall continue in force for 28 years from the day of the exchange of the ratifications; and each of the two contracting parties being, however, at liberty to give to the other, at the end of 14 years, (that time being fixed, as the provisions of this treaty will then have come into full force,) notice for its revision, or for its determination at the expiration of

Present treaty to be substituted for what.

To continue for twenty-eight years.

Notice to terminate may be given, &c.

a year from the date of that notice, and so again at the end of 21 years.

Treaty to be executed in all the provinces of the Ottoman Empire.

The present treaty shall receive its execution in all and every one of the provinces of the Ottoman Empire; that is to say, in all the possessions of His Imperial Majesty the Sultan, situated in Europe or in Asia, in Egypt, and in the other parts of Africa belonging to the Sublime Porte, in Servia, and in the United Principalities of Moldavia and Wallachia.

ARTICLE XXI.

Treaty to be construed fairly.

It is always understood that the Government of the United States of America does not pretend, by any article in the present treaty, to stipulate for more than the plain and fair construction of the terms employed, nor to preclude in any manner the Ottoman Government from the exercise of its rights of internal administration where the exercise of these rights does not evidently infringe upon the privileges accorded by ancient treaties, or by the present treaty, to citizens of the United States or their merchandise.

ARTICLE XXII.

Tariff of custom-house duties.

The high contracting parties have agreed to appoint, jointly, commissioners for the settlement of a tariff of custom-house duties, to be levied in conformity with the stipulations of the present treaty, as well upon merchandise of every description being the produce or manufacture of the United States of America imported into the Ottoman Empire, as upon articles of every description the produce or manufacture of the Ottoman Empire and its possessions, which citizens of the United States or their agents are free to purchase in any part of the Ottoman Empire for exportation to the United States or to any other country. The new tariff, to be so concluded, shall remain in force during seven years, dating from the date of the exchange of the ratifications.

To remain in force seven years.

How and when may be revised.

Each of the contracting parties shall have the right, a year before the expiration of that term, to demand the revision of the tariff. But if, during the seventh year, neither the one nor the other of the contracting parties shall avail itself of this right, the tariff then existing shall continue to have the force of law for seven years more, dating from the day of the expiration of the seven preceding years; and the same shall be the case with respect to every successive period of seven years.

ARTICLE XXIII.

Treaty when to be ratified.

The present treaty shall be ratified and the ratifications shall be exchanged at Constantinople in three calendar months, or sooner if possible, and shall be carried into execution when ratified.

When concluded.

Done at Constantinople on the twenty-fifth day of February, eighteen hundred and sixty-two.

EDWARD JOY MORRIS. [L. S.]
AALI. [L. S.]

PARAGUAY.

PARAGUAY, 1859.

SPECIAL CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF PARAGUAY, RELATING TO THE CLAIMS OF THE "UNITED STATES AND PARAGUAY NAVIGATION COMPANY." CONCLUDED AT ASSUMPTION FEBRUARY 4, 1859; RATIFICATIONS EXCHANGED AT WASHINGTON MARCH 7, 1860; PROCLAIMED MARCH 12, 1860.

His Excellency the President of the United States of America, and His Excellency the President of the Republic of Paraguay, desiring to remove every cause that might interfere with the good understanding and harmony, for a time so unhappily interrupted, between the two nations, and now so happily restored, and which it is so much for their interest to maintain; and desiring for this purpose to come to a definite understanding, equally just and honorable to both nations, as to the mode of settling a pending question of the said claims of the "United States and Paraguay Navigation Company"—a company composed of citizens of the United States—against the Government of Paraguay, have agreed to refer the same to a special and respectable commission, to be organized and regulated by the convention hereby established between the two high contracting parties; and for this purpose they have appointed and conferred full powers, respectively, to wit:

Negotiators.

His Excellency the President of the United States of America upon James B. Bowlin, a Special Commissioner of the said United States of America, specifically charged and empowered for this purpose; and His Excellency the President of the Republic of Paraguay upon Señor Nicholas Vasquez, Secretary of State and Minister of Foreign Affairs of the said Republic of Paraguay;

Who, after exchanging their full powers, which were found in good and proper form, agreed upon the following articles:

ARTICLE I.

Decree of commissioners in favor of United States and Paraguay Navig. Co.

The Government of the Republic of Paraguay binds itself for the responsibility in favor of the "United States and Paraguay Navigation Company," which may result from the decree of commissioners, who, it is agreed, shall be appointed as follows:

ARTICLE II.

Commissioners.

The two high contracting parties, appreciating the difficulty of agreeing upon the amount of the reclamations to which the said company may be entitled, and being convinced that a commission is the only equitable and honorable method by which the two countries can arrive at a perfect understanding thereof, hereby covenant to adjust them accordingly by a loyal commission. To determine the amount of said reclamations, it is, therefore, agreed to constitute

such a commission, whose decision shall be binding, in the following manner:

The Government of the United States of America shall appoint one Commissioner, and the Government of Paraguay shall appoint another; and these two, in case of disagreement, shall appoint a third, said appointment to devolve upon a person of loyalty and impartiality, with the condition that in case of difference between the Commissioners in the choice of an Umpire, the diplomatic representatives of Russia and Prussia, accredited to the Government of the United States of America, at the city of Washington, may select such Umpire.

Umpire.

The two Commissioners named in the said manner shall meet in the city of Washington, to investigate, adjust, and determine the amount of the claims of the above-mentioned company, upon sufficient proofs of the charges and defences of the contending parties.

ARTICLE III.

The said Commissioners, before entering upon their duties, shall take an oath before some judge of the United States of America that they will fairly and impartially investigate the said claims, and a just decision thereupon render, to the best of their judgment and ability.

Oath.

ARTICLE IV.

The said Commissioners shall assemble, within one year after the ratification of the "treaty of friendship, commerce, and navigation" this day celebrated at the city of Assumption between the two high contracting parties, at the city of Washington, in the United States of America, and shall continue in session for a period not exceeding three months, within which, if they come to an agreement, their decision shall be proclaimed; and in case of disagreement, they shall proceed to the appointment of an Umpire as already agreed.

When to meet and how long to continue in session.

ARTICLE V.

The Government of Paraguay hereby binds itself to pay to the Government of the United States of America, in the city of Assumption, Paraguay, thirty days after presentation to the Government of the Republic, the draft which that of the United States of America shall issue for the amount for which the two Commissioners concurring, or by the Umpire, shall declare it responsible to the said company.

Paraguay to pay any award of Commissioners in favor of said company

ARTICLE VI.

Each of the high contracting parties shall compensate the Commissioner it may appoint the sum of money he may stipulate for his services, either by instalments or at the expiration of his task. In case of the appointment of an Umpire, the amount of his remuneration shall be equally borne by both contracting parties.

Payment of Commissioner and Umpire.

ARTICLE VII.

The present convention shall be ratified within fifteen months, or earlier if possible, by the Government of the United States of America, and by the President of the Republic of Paraguay within twelve days

from this date. The exchange of ratifications shall take place in the city of Washington.

In faith of which, and in virtue of our full powers, we have signed the present convention in English and Spanish, and have thereunto set our respective seals.

Done at Assumption, this fourth day of February, in the year of our Lord one thousand eight hundred and fifty-nine, being the eighty-third year of the Independence of the United States of America, and the forty-seventh of that of Paraguay.

JAMES B. BOWLIN. [SEAL.]
NICOLAS VASQUEZ. [SEAL.]

PARAGUAY, 1859.

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION, BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF PARAGUAY. CONCLUDED AT ASSUMPTION FEBRUARY 4, 1859; RATIFICATIONS EXCHANGED AT WASHINGTON MARCH 7, 1860. PROCLAIMED BY THE PRESIDENT OF THE UNITED STATES MARCH 12, 1860.

In the name of the Most Holy Trinity.

Contracting parties.

The Governments of the two Republics, the United States of America and of Paraguay, in South America, being mutually disposed to cherish more intimate relations and intercourse than those which have heretofore subsisted between them, and believing it to be of mutual advantage to adjust the conditions of such relations by signing a "treaty of friendship, commerce, and navigation," for that object have nominated their respective Plenipotentiaries, that is to say:

Negotiators.

His Excellency the President of the United States of America has nominated James B. Bowlin, a Special Commissioner of the United States of America at Assumption, and His Excellency the President of the Republic of Paraguay has nominated the Paraguayan citizen, Nicolas Vasquez, Secretary of State and Minister of Foreign Relations of the Republic of Paraguay;

Who, after having communicated competent authorities, have agreed upon and concluded the following articles:

ARTICLE I.

Amity, &c.

There shall be perfect peace and sincere friendship between the Government of the United States of America and the Government of the Republic of Paraguay, and between the citizens of both States, and without exception of persons or places. The high contracting parties shall use their best endeavors that this friendship and good understanding may be constantly and perpetually maintained.

ARTICLE II.

Free navigation of the Paraguay.

The Republic of Paraguay, in the exercise of the sovereign right which pertains to her, concedes to the merchant flag of the citizens of the United States of America the free navigation of the river Paraguay as far as the dominions of the Empire of Brazil, and of the right side of the Paraná throughout all its course belonging to the Republic, subject to police and fiscal regulations of the Supreme Gov-

ernment of the Republic, in conformity with its concessions to the commerce of friendly nations. They shall be at liberty with their ships and cargoes, freely and securely to come to and to leave all the places and ports which are already mentioned; to remain and reside in any part of the said territories; hire houses and warehouses, and trade in all kinds of produce, manufactures, and merchandise of lawful commerce, subject to the usages and established customs of the country. They may discharge the whole or a part of their cargoes at the ports of Pilar, and where commerce with other nations may be permitted, or proceed with the whole or part of their cargo to the port of Assumption, according as the captain, owner, or other duly authorized person shall deem expedient.

Privileges to citizens of the United States.

In the same manner shall be treated and considered such Paraguayan citizens as may arrive at the ports of the United States of America with cargoes in Paraguayan vessels, or vessels of the United States of America.

To citizens of Paraguay.

ARTICLE III.

The two high contracting parties hereby agree that any favor, privilege, or immunity whatever, in matters of commerce or navigation, which either contracting party has actually granted, or may hereafter grant, to the citizens or subjects of any other State, shall extend, in identity of cases and circumstances, to the citizens of the other contracting party, gratuitously, if the concession in favor of that other State shall have been gratuitous, or in return for an equivalent compensation, if the concession shall have been conditional.

Most favored nation.

ARTICLE IV.

No other or higher duties shall be imposed on the importation or exportation of any article of the growth, produce, or manufacture of the two contracting States than are or shall be payable on the like article being the growth, produce, or manufacture of any other foreign country. No prohibition shall be imposed upon the importation or exportation of any article of the growth, produce, or manufacture of the territories of either of the two contracting parties into the territories of the other, which shall not equally extend to the importation or exportation of similar articles to the territories of any other nation.

Duties.

ARTICLE V.

No other or higher duties or charges on account of tonnage, light, or harbor dues, pilotage, salvage in case of damage or shipwreck, or any other local charges, shall be imposed in any of the ports of the territories of the Republic of Paraguay on vessels of the United States of America than those payable in the same ports by Paraguayan vessels, nor in the ports of the territories of the United States of America on Paraguayan vessels, than shall be payable in the same ports by vessels of the United States of America.

ARTICLE VI.

The same duties shall be paid upon the importation and exportation of any article which is or may be legally importable or exportable into the dominions of the United States of America and into those of Paraguay, whether such importation or

Duties on articles imported in vessels of United States or Paraguay.

exportation be made in vessels of the United States of America or in Paraguayan vessels.

ARTICLE VII.

All vessels which, according to the laws of the United States of America, are to be deemed vessels of the United States of America, and all vessels which, according to the laws of Paraguay, are to be deemed Paraguayan vessels, shall, for the purposes of this treaty, be deemed vessels of the United States of America and Paraguayan vessels, respectively.

What are vessels of United States and what of Paraguay.

ARTICLE VIII.

Citizens of the United States of America shall pay, in the territories of the Republic of Paraguay, the same import and export duties which are established or may be established hereafter for Paraguayan citizens. In the same manner the latter shall pay, in the United States of America, the duties which are established or may hereafter be established for citizens of the United States of America.

Import and export duties.

ARTICLE IX.

All merchants, commanders of ships, and others, the citizens of each country, respectively, shall have full liberty, in all the territories of the other, to manage their own affairs themselves, or to commit them to the management of whomsoever they please, as agent, broker, factor, or interpreter; and they shall not be obliged to employ any other persons than those employed by natives, nor to pay to such persons as they shall think fit to employ any higher salary or remuneration than such as is paid in like cases by natives.

Privileges of citizens of each country in the territory of the other.

The citizens of the United States of America in the territories of Paraguay, and the citizens of Paraguay in the United States of America, shall enjoy the same full liberty which is now or may hereafter be enjoyed by natives of each country, respectively, to buy from and sell to whom they like all articles of lawful commerce, and to fix the prices thereof as they shall see good, without being affected by any monopoly, contract, or exclusive privilege of sale or purchase, subject, however, to the general ordinary contributions or imposts established by law.

The citizens of either of the two contracting parties in the territories of the other shall enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice for the prosecution and defence of their just rights; they shall enjoy, in this respect, the same rights and privileges as native citizens; and they shall be at liberty to employ, in all causes, the advocates, attorneys, or agents, of whatever description, whom they may think proper.

ARTICLE X.

In whatever relates to the police of the ports, the lading or unlading of ships, the warehousing and safety of merchandise, goods, and effects, the succession to personal estates by will or otherwise, and the disposal of personal property of every sort and denomination by sale, donation, exchange, or testament, or in any other manner whatsoever, as also with regard to the administration of justice, the citizens of each contracting party shall enjoy, in the territories of the other, the same privileges, liberties, and rights as native citizens, and shall not be charged, in any

of these respects, with any other or higher imposts or duties than those which are or may be paid by native citizens, subject always to the local laws and regulations of such territories.

Case of the death of a citizen of one country in the territory of the other.

In the event of any citizen of either of the two contracting parties dying without will or testament in the territory of the other contracting party, the Consul-General, Consul, or Vice-Consul, of the nation to which the deceased may belong, or, in his absence, the representative of such Consul-General, Consul, or Vice-Consul, shall, so far as the laws of each country will permit, take charge of the property which the deceased may have left, for the benefit of his lawful heirs and creditors, until an executor or administrator be named by the said Consul-General, Consul, or Vice-Consul, or his representative.

ARTICLE XI.

Compulsory military service.

The citizens of the United States of America residing in the territories of the Republic of Paraguay, and the citizens of the Republic of Paraguay residing in the United States of America, shall be exempted from all compulsory military service whatsoever, whether by sea or land, and from all forced loans or military exactions or requisitions; and they shall not be compelled to pay any charges, requisition, or taxes other or higher than those that are or may be paid by native citizens.

ARTICLE XII.

Consuls.

It shall be free for each of the two contracting parties to appoint Consuls for the protection of trade, to reside in the territories of the other party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and either of the two contracting parties may except from the residence of Consuls such particular places as either of them may judge fit to be excepted.

Their privileges, &c.

The Diplomatic Agentos and Consuls of the United States of America in the territories of the Republic of Paraguay, shall enjoy whatever privileges, exemptions, and immunities are or may be there granted to the Diplomatic Agents and Consuls of any other nation whatever; and, in like manner, the Diplomatic Agents and Consuls of the Republic of Paraguay in the United States of America shall enjoy whatever privileges, exemptions, and immunities are or may be there granted to agents of any other nation whatever.

ARTICLE XIII.

Provisions in case of war.

For the better security of commerce between the citizens of the United States of America and the citizens of the Republic of Paraguay, it is agreed that if at any time any interruption of friendly intercourse or any rupture should unfortunately take place between the two contracting parties, the citizens of either of the said contracting parties, who may be established in the territories of the other in the exercise of any trade or special employment, shall have the privilege of remaining and continuing such trade or employment therein without any manner of interruption, in full enjoyment of their liberty and property, as long as they behave peaceably and commit no offence against the laws; and their goods and effects, of whatever description they may be, whether in their own custody or intrusted to individuals

or to the State, shall not be liable to seizure or sequestration, or to any other charges or demands than those which may be made upon the like effects or property belonging to native citizens. If, however, they prefer to leave the country, they shall be allowed the time they may require to liquidate their accounts and dispose of their property, and a safe conduct shall be given them to embark at the ports which they shall themselves select. Consequently, in the case referred to of a rupture, the public funds of the contracting States shall never be confiscated, sequestered, or detained.

ARTICLE XIV.

The citizens of either of the two contracting parties residing in the territories of the other shall enjoy, in regard to their houses, persons, and properties, the protection of the Government in as full and ample a manner as native citizens.

Citizens of either country in the territory of the other.

In like manner the citizens of each contracting party shall enjoy, in the territories of the other, full liberty of conscience, and shall not be molested on account of their religious belief; and such of those citizens as may die in the territories of the other party shall be buried in the public cemeteries, or in places appointed for the purpose, with suitable decorum and respect.

Religious liberty.

Rights of burial and worship.

The citizens of the United States of America residing within the territories of the Republic of Paraguay shall be at liberty to exercise, in private and in their own dwellings, or within the dwellings or offices of the Consuls or Vice-Consuls of the United States of America, their religious rites, services, and worship, and to assemble therein for that purpose without hindrance or molestation.

ARTICLE XV.

The present treaty shall be in force during ten years, counted from the day of the exchange of the ratifications; and, further, until the end of twelve months after the Government of the United States of America on the one part, or the Government of Paraguay on the other, shall have given notice of its intention to terminate the same.

Duration of this treaty

The Paraguayan Government shall be at liberty to address to the Government of the United States of America, or to its representative in the Republic of Paraguay, the official declaration agreed upon in this article.

Notice on the part of Paraguay.

ARTICLE XVI.

The present treaty shall be ratified by His Excellency the President of the United States of America within the term of fifteen months, or earlier if possible, and by His Excellency the President of the Republic of Paraguay within twelve days from this date, and the ratifications shall be exchanged in Washington.

In witness whereof the respective Plenipotentiaries have signed it, and affixed thereto their seals.

Done at Assumption this fourth day of February, in the year of our Lord one thousand eight hundred and fifty-nine.

JAMES B. BOWLIN. [L. S.]
NICOLAS VASQUEZ. [L. S.]

PERSIA.

PERSIA, 1856.

TREATY OF FRIENDSHIP AND COMMERCE WITH PERSIA. CONCLUDED DECEMBER 13, 1856; RATIFICATIONS EXCHANGED JUNE 13, 1857; PROCLAIMED AUGUST 18, 1857.

In the name of God, the clement and the merciful.

Preamble.

The President of the United States of North America, and His Majesty as exalted as the planet Saturn; the Sovereign to whom the sun serves as a standard; whose splendor and magnificence are equal to that of the skies; the Sublime Sovereign, the Monarch whose armies are as numerous as the stars; whose greatness calls to mind that of Jeinshid; whose magnificence equals that of Darius; the heir of the crown and throne of the Kayanians; the Sublime Emperor of all Persia; being both equally and sincerely desirous of establishing relations of friendship between the two Governments, which they wish to strengthen by a treaty of friendship and commerce reciprocally advantageous and useful to the citizens and subjects of the two high contracting parties, have for this purpose named for their Plenipotentiaries:

Negotiators.

The President of the United States of North America, Carroll Spence, Minister Resident of the United States near the Sublime Porte; and His Majesty the Emperor of all Persia, His Excellency Emin ul Molk Farrukh Khan, Ambassador of His Imperial Majesty the Shah, decorated with the portrait of the Shah, with the great cordon blue, and bearer of the girdle of diamonds, &c., &c., &c., &c.

And the said Plenipotentiaries, having exchanged their full powers, which were found to be in proper and due form, have agreed upon the following articles:

ARTICLE I.

Sincere and constant amity.

There shall be hereafter a sincere and constant good understanding between the Government and citizens of the United States of North America and the Persian Empire and all Persian subjects.

ARTICLE II.

Ambassadors.

The Ambassadors or Diplomatic Agents whom it may please either of the two high contracting parties to send and maintain near the other shall be received and treated, they and all those composing their missions, as the Ambassadors and Diplomatic Agents of the most favored nations are received and treated in the two respective countries; and they shall enjoy there, in all respects, the same prerogatives and immunities.

ARTICLE III.

Resident citizens in the territory to be protected.

The citizens and subjects of the two high contracting parties—travellers, merchants, manufacturers, and others—who may reside in the territory of either country, shall be respected and efficiently protected by the authorities of the country and

their agents, and treated in all respects as the subjects and citizens of the most favored nation are treated.

They may reciprocally bring, by land or by sea, into either country, and export from it, all kinds of merchandise and products, and sell, exchange, or buy, and transport them to all places in the territories of either of the high contracting parties. It being, however, understood that the merchants of either nation who shall engage in the internal commerce of either country shall be governed, in respect to such commerce, by the laws of the country in which such commerce is carried on; and in case either of the high contracting Powers shall hereafter grant other priviledges concerning such internal commerce to the citizens or subjects of other Governments, the same shall be equally granted to the merchants of either nation engaged in such internal commerce within the territories of the other.

May engage in commerce.

ARTICLE IV.

The merchandise imported or exported by the respective citizens or subjects of the two high contracting parties shall not pay in either country, on their arrival or departure, other duties than those which are charged in either of the countries on the merchandise or products imported or exported by the merchants and subjects of the most favored nation, and no exceptional tax, under any name or pretext whatever, shall be collected on them in either of the two countries.

Duties.

ARTICLE V.

All suits and disputes arising in Persia between Persian subjects and citizens of the United States shall be carried before the Persian tribunal to which such matters are usually referred at the place where a Consul or Agent of the United States may reside, and shall be discussed and decided according to equity, in the presence of an employé of the Consul or Agent of the United States.

Disputes.

All suits and disputes which may arise in the Empire of Persia between citizens of the United States shall be referred entirely for trial and for adjudication to the Consul or Agent of the United States residing in the province wherein such suits and disputes may have arisen, or in the province nearest to it, who shall decide them according to the laws of the United States.

All suits and disputes occurring in Persia between the citizens of the United States and the subjects of other foreign Powers, shall be tried and adjudicated by the intermediation of their respective Consuls or agents.

In the United States, Persian subjects, in all disputes arising between themselves, or between them and citizens of the United States or foreigners, shall be judged according to the rules adopted in the United States respecting the subjects of the most favored nation.

Persian subjects residing in the United States, and citizens of the United States residing in Persia, shall, when charged with criminal offences, be tried and judged in Persia and the United States in the same manner as are the subjects and citizens of the most favored nation residing in either of the above-mentioned countries.

Criminal offences.

ARTICLE VI.

In case of a citizen or subject of either of the contracting parties

Effects of persons dying.

dying within the territories of the other, his effects shall be delivered up integrally to the family or partners in business of the deceased; and in case he has no relations or partners, his effects in either country shall be delivered up to the Consul or agent of the nation of which the deceased was a subject or citizen, so that he may dispose of them in accordance with the laws of his country.

ARTICLE VII.

Each Power may have Diplomatic Agent and three Consuls.

For the protection of their citizens or subjects, and their commerce respectively, and in order to facilitate good and equitable relations between the citizens and subjects of the two countries, the two high contracting parties reserve the right to maintain a Diplomatic Agent at either seat of government, and to name each three Consuls in either country; those of the United States shall reside at Teheran, Bender, Bushir, and Tauris; those of Persia, at Washington, New York, and New Orleans.

Privileges of Consuls.

The Consuls of the high contracting parties shall reciprocally enjoy in the territories of the other, where their residences shall be established, the respect, priviledges, and immunities granted in either country to the Consuls of the most favored nation.

The Diplomatic Agent or Consuls of the United States shall not protect, secretly or publicly, the subjects of the Persian Government, and they shall never suffer a departure from the principles here laid down and agreed to by mutual consent.

And it is further understood, that if any of those Consuls shall engage in trade, they shall be subjected to the same laws and usages to which private individuals of their nation engaged in commercial pursuits in the same place are subjected.

And it is also understood by the high contracting parties, that the Diplomatic and Consular Agents of the United States shall not employ a greater number of domestics than is allowed by treaty to those of Russia residing in Persia.

ARTICLE VIII.

And the high contracting parties agree that the present treaty of friendship and commerce, cemented by the sincere good feeling and the confidence which exists between the Governments of the United States and Persia, shall be in force for the term of ten years from the exchange of its ratification; and if, before the expiration of the first ten years, neither of the high contracting parties shall have announced, by official notification to the other, its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on until the expiration of twelve months, which will follow a similar notification, whatever the time may be at which it may take place; and the Plenipotentiaries of the two high contracting parties further agree to exchange the ratifications of their respective governments at Constantinople in the space of six months, or earlier if practicable.

In faith of which the respective Plenipotentiaries of the two high contracting parties have signed the present treaty, and have attached their seals to it.

Done in duplicate in Persian and English, the thirteenth day of December, one thousand eight hundred and fifty-six, and of the Hijéreh the fifteenth day of the moon of Rebiul Sany one thousand two hundred and seventy-three, at Constantinople.

CARROLL SPENCE. [L. S.]
EMIN UL MOLK FARRUKH KHAN. [L. S.]

PERU-BOLIVIA.

PERU-BOLIVIA, 1836.

GENERAL CONVENTION OF PEACE, FRIENDSHIP, COMMERCE, AND NAVIGATION, BETWEEN THE UNITED STATES OF AMERICA AND THE PERU-BOLIVIAN CONFEDERATION. CONCLUDED NOVEMBER 30, 1836; RATIFICATIONS EXCHANGED MAY 28, 1838; PROCLAIMED OCTOBER 3, 1838.

The United States of America and the Peru-Bolivian Confederation, desiring to make firm and permanent the peace and friendship which happily subsist between them, have resolved to fix, in a clear, distinct, and positive manner, the rules which shall, in future, be religiously observed between the one and the other, by means of a treaty, or general convention of peace, friendship, commerce, and navigation.

For this desirable purpose, the President of the United States of America has conferred full powers on Samuel Larned, Chargé d'Affaires of the said States near the Government of Peru; and the Supreme Protector of the North and South Peruvian States, President of the Republic of Bolivia, encharged with the direction of the foreign relations of the Peru-Bolivian Confederation, has conferred like powers on John Garcia del Rio, Minister of State in the Department of Finance of the North Peruvian State;

Negotiators.

Who, after having exhibited to each other their respective full powers, found to be in due and proper form, and exchanged certified copies thereof, have agreed to the following articles, to wit:

ARTICLE I.

There shall be a perfect, firm, and inviolable peace and sincere friendship, between the United States of America and the Peru-Bolivian Confederation, in all the extent of their respective territories and possessions, and between their people and citizens, respectively, without distinction of persons or places.

Firm and inviolable peace.

ARTICLE II.

The United States of America and the Peru-Bolivian Confederation, desiring to live in peace and harmony, as well with each other as with all the nations of the earth, by means of a policy frank, and equally friendly with all, engage, mutually, not to concede any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party to this treaty; who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

Favors granted to other nations shall become common.

ARTICLE III.

The two high contracting parties, being likewise desirous of placing

Citizens placed on the footing of the most favored nation.

the commerce and navigation of their respective countries on the liberal basis of perfect equality with the most favored nation, mutually agree that the citizens of each may frequent with their vessels all the coasts and countries of the other, and may reside and trade there in all kinds of produce, manufactures, and merchandize, not prohibited to all; and shall pay no other or higher duties, charges or fees, whatsoever, either on their vessels or cargoes, than the citizens or subjects of the most favored [nation] are, or shall be, obliged to pay on their vessels and cargoes; and they shall enjoy, respectively, all the rights, privileges, and exemptions, in navigation and commerce, which the citizens or subjects of the most favored nation do or shall enjoy; they submitting themselves to the laws, decrees, and usages there established, to which such citizens or subjects are of right subjected.

Coasting trade excepted.

But it is understood that the stipulations contained in this article do not include the coasting trade of either of the two countries; the regulation of this trade being reserved by the parties, respectively, according to their own separate laws.

ARTICLE IV.

Merchants.

It is likewise agreed that it shall be wholly free for all merchants commanders of ships, and other citizens of both countries, to manage themselves their own business in all the ports, and places subject to the jurisdiction of the other, as well with respect to the consignment and sale of their goods and merchandize, as to the purchase of their returns, unloading, loading, and sending off of their vessels. The citizens of neither of the contracting parties shall be liable to any embargo, nor to be detained with their vessels, cargoes, merchandize, or effects, for any military expedition, nor for any public or private purpose whatever, without being allowed therefor a sufficient indemnification. Neither shall they be called upon for any forced loan, or occasional contributions; nor be subject to military service on land or sea.

ARTICLE V.

Protection to citizens of either party seeking refuge in the dominions of the other.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge, shelter, or relief, in the rivers, bays, ports, and dominions of the other, with their vessels, whether of war, (public or private,) of trade, or employed in the fisheries, through stress of weather, want of water or provisions, pursuit of pirates or enemies, they shall be received and treated with humanity; and all favor and protection shall be given to them, in the repairing of their vessels, procuring of supplies, and placing of themselves in a condition to pursue their voyage, without obstacle or hindrance.

ARTICLE VI.

Vessels, &c., captured by pirates, to be restored.

All ships, merchandize, and effects belonging to citizens of one of the contracting parties, which may be captured by pirates, whether on the high seas, or within the limits of its jurisdiction, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving, in due and proper form, their rights before the competent tribunals; it being understood that the claim should be made within the term of two years, by the parties themselves, their attornies, or the agents of their respective Governments.

ARTICLE VII.

Whenever any vessel belonging to the citizens of either of the contracting parties shall be wrecked, founder, or suffer damage, on the coast, or within the dominions of the other, all assistance and protection shall be given to the said vessel, her crew, and the merchandize on board, in the same manner as is usual and customary with vessels of the nation where the accident happens, in like cases; and it shall be permitted to her, if necessary, to unload the merchandize and effects on board, with the proper precautions to prevent their illicit introduction, without exacting, in this case, any duty, impost, or contribution whatever, provided the same be exported.

Assistance in case of wreck.

ARTICLE VIII.

The citizens of each of the contracting parties shall have power to dispose of their personal effects, within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their representatives, being citizens of the other party, shall succeed to their said personal effects, whether by testament or ab intestato, and may take possession thereof, either themselves, or by others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein said effects are shall be subject to pay in like cases. And if, in the case of real estate, the said heirs should be prevented from entering into possession of the inheritance on account of their character as aliens, there shall be granted to them the term of three years in which to dispose of the same, as they may think proper, and to withdraw the proceeds, which they may do without obstacle, and exempt from all charges, save those which are imposed by the laws of the country.

Power to dispose of personal effects.

Real estate.

ARTICLE IX.

Both the contracting parties solemnly promise and engage to give their special protection to the persons and property of the citizens of each other, of all classes and occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice, for their judicial recourse, on the same terms as are usual and customary with the natives or citizens of the country in which they may be; for which purpose they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals, in all cases that may concern them, and likewise at the taking of all evidence and examinations that may be exhibited in the said trials.

Protection to persons and property.

And, to render more explicit, and make more effectual, the solemn promise and engagement hereinbefore mentioned, under circumstances to which one of the parties thereto has heretofore been exposed, it is hereby further stipulated and declared, that all the rights and privileges which are now enjoyed by, or may hereafter be conferred on, the citizens of one of the contracting parties, by or in virtue of the constitution and laws of the other, respectively, shall be deemed and held to belong to, and inhere in, them, until such rights and privileges shall have been abrogated or withdrawn by an authority constitutionally or lawfully competent thereto.

No rights of citizens to be withdrawn, until, &c.

ARTICLE X.

Liberty of conscience secured.

It is likewise agreed, that perfect and entire liberty of conscience shall be enjoyed, by the citizens of both the contracting parties, in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country.

Rites of burial.

Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying-grounds, or in other decent and suitable places, and shall be protected from violation or disturbance.

ARTICLE XI.

Citizens of both parties at liberty to trade with the enemies of either, &c.

It shall be lawful for the citizens of the United States of America and of the Peru-Bolivian Confederation to sail with their ships with all manner of liberty and security; no distinction being to be made who are the proprietors of the merchandise laden therein, from any port or place whatever, to the ports and places of those who are now, or hereafter shall be, at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise before mentioned, and to trade, with the same liberty and security, from the places, ports, and havens of those who are enemies of both, or of either party, without any opposition or disturbance whatsoever; not only directly from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under that of several.

Free ships to make free goods, contraband of war excepted.

And it is hereby stipulated, that free ships shall give freedom to goods; and that every thing shall be deemed to be free and exempt, which shall be found on board of the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either; goods contraband of war being always excepted.

All persons on board a free ship to be free, except, &c.

It is also agreed, in like manner, that the same liberty shall be extended to persons who are on board of a free ship, with this effect, that, although they be enemies to both or either of the parties, they shall not be taken out of that free ship, unless they are officers or soldiers, and in the actual service of the enemy:

Proviso.

Provided, however, and it is hereby further agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those Powers only who recognize this principle; but if either of the contracting parties shall be at war with a third, and the other be neutral, the flag of the neutral shall cover the property of those enemies whose Governments acknowledge this principle, and not that of others.

ARTICLE XII.

Qualification of the principle as to neutral property.

It is likewise agreed that, in cases where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, in virtue of the above stipulation, it shall always be understood that the neutral property found on board of such enemy's vessel shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, ex-

cept such property as was put on board of such vessels before the declaration of war, or even afterwards, if it were done without the knowledge of such declaration; but the contracting parties agree that, six months having elapsed after the declaration, their citizens shall not be allowed to plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property on board, in this case, the goods and merchandise of the neutral, embarked in such enemy's ship, shall be free.

ARTICLE XIII.

Liberty of commerce and navigation to extend to all goods except contraband. Contraband specified.

This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting only those which are distinguished by the name of contraband or prohibited goods, under which name shall be comprehended: 1st, cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuses, rifles, carbines, pistols, pikes, swords, sabres, lancets, spears, halberds, grenades and bombs, powder, matches, balls, and all other things belonging to the use of these arms; 2ndly, bucklers, helmets, breastplates, coats of mail, infantry belts, and clothes made up in a military form and for a military use; 3rdly, cavalry belts, and horses with their furniture; 4thly, and generally, all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed expressly for the purposes of war, either by sea or land.

ARTICLE XIV.

All kinds of merchandise, except contraband, free.

All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified, as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are, at that time, besieged or blockaded; and, to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a force capable of preventing the entry of the neutral.

ARTICLE XV.

Contraband goods only, liable to confiscation.

Vessels not to be detained, unless, &c.

The articles of contraband, of those before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation; but the rest of the cargo and the ship shall be left free, that the owners may dispose of them as they see proper. No vessel of either of the contracting parties shall be detained on the high seas, on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless, indeed, the quantity of such articles be so great, and of so large a bulk, that they cannot be received on board of the capturing vessel without great inconvenience; but, in this and all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

ARTICLE XVI.

And whereas it frequently happens that vessels sail for a port or place

Notice of blockade.

belonging to an enemy, without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained; nor shall any part of her cargo, if not contraband, be confiscated, unless, after being warned of such blockade or investment by the commanding officer of a vessel forming part of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place the master or supercargo shall think proper. Nor shall any vessel of either party that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting it, with her cargo; nor, if found therein before or after the reduction and surrender, shall such vessel or her cargo be liable to seizure, confiscation, or any demand on the score of redemption or restitution, but the owners thereof shall be allowed to remain in the undisturbed possession of their property. And if any vessel, having thus entered the port before the blockade took place, shall take on board a cargo after the blockade be established, and attempt to depart, she shall be subject to being warned by the blockading forces to return to the port blockaded and discharge the said cargo; and if, after receiving said warning, the vessel shall persist in going out with the cargo, she shall be liable to the same consequences to which a vessel attempting to enter a blockaded port, after being warned off by the blockading forces, would be liable.

Free egress allowed in certain cases.

Vessels not to be permitted to depart with a cargo taken on board during the blockade.

ARTICLE XVII.

Regulation of visits at sea.

To prevent all kinds of disorder and irregularity in the visiting and examining of the ships and cargoes of both the contracting parties on the high seas, they have agreed, mutually, that whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain at the greatest distance compatible with the possibility and safety of making the visit under the circumstances of wind and sea, and the degree of suspicion attending the vessel to be visited; and shall send one of her small boats, with no more men than those necessary to man it, for the purpose of executing the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, in respect of which the commanders of said armed vessels shall be responsible, with their persons and property; for which purpose, the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the injuries and damages they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting the ship's papers, nor for any other purpose whatever.

ARTICLE XVIII.

In case of war, vessels to be provided with sea-letters.

To avoid all vexation and abuses in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the contracting parties, they have agreed, and do agree, that, in case one of them should be engaged in war, the ships and vessels of the other must be furnished with sea-letters, or passports, expressing the name, property, and burden of the ship, as also the name and place of residence of the master or commander thereof, in order that it may thereby appear that the said ship really

and truly belongs to the citizens of one of the parties. They have likewise agreed that such ships, being laden, besides the said sea-letters or passports, shall be provided with certificates containing the several particulars of the cargo and the place whence the ship sailed, so that it may be known whether any contraband or prohibited goods are on board of the same; which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form, without which requisites the said vessel may be detained to be adjudged by the competent tribunals, and may be declared a legal prize, unless the said defect shall be proved to be owing to accident, or be satisfied or supplied by testimony entirely equivalent, in the opinion of said tribunals, to which ends there shall be allowed a sufficient term of time for its procurement.

If not so provided, may be adjudged lawful prize.

ARTICLE XIX.

And it is further agreed that the stipulations above expressed, relative to the visiting and examining of vessels, shall apply to those only which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and, when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

Vessels under convoy not subject to examination.

ARTICLE XX.

It is moreover agreed that, in all cases, the established courts for prize causes, in the country to which the prize may be conducted, shall alone take cognizance of them. And whenever such tribunal or court of either party shall pronounce judgment against any vessel, goods, or property, claimed by citizens of the other party, the sentence or decree shall mention the reasons or motives in which the same shall have been founded; and an authenticated copy of the sentence or decree, and of all the proceedings in the case shall, if demanded, be delivered to the commander or agent of said vessel or property, without any excuse or delay, he paying the legal fees for the same.

Prize courts only to take cognizance of prizes.

ARTICLE XXI.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission or letter of marque, for the purpose of assisting or co-operating hostilely with the said enemy against the said party so at war, under pain of being treated as a pirate.

Citizens of neither party to engage in privateering against the other.

ARTICLE XXII.

If, at any time, a rupture should take place between the two contracting nations, and (which God forbid) they should become engaged in war with each other, they have agreed, and do agree now, for then, that the merchants, traders, and other citizens of all occupations, of each of the two parties residing in the cities, ports, and dominions of the other, shall have the privilege of remaining and continuing their trade and business therein, and shall be respected and maintained in the full and undisturbed enjoyment of

In the event of war between the parties, citizens may remain, &c.

their personal liberty and property, so long as they behave peaceably and properly, and commit no offence against the laws. And in case their conduct should render them suspected of malpractices, and, having thus forfeited this privilege, the respective Governments should think proper to order them to depart, the term of twelve months, from the publication or intimation of this order therefor, shall be allowed them, in which to arrange and settle their affairs, and remove with their families, effects, and property; to which end the necessary safe conduct shall be given to them, and which shall serve as a sufficient protection until they arrive at the designated port, and there embark. But this favor shall not be extended to those who shall act contrary to the established laws. It is, nevertheless, to be understood that the persons so suspected may be ordered by the respective Governments to remove forthwith into the interior, to such places as they shall think fit to designate.

If suspected of malpractices, and ordered to depart, time allowed, &c.

Exceptions.

ARTICLE XXIII.

Neither the debts due from individuals of the one nation to the individuals of the other, nor shares, nor money, which they may have in public funds, nor in public or private banks, shall ever, in any event of war or national difference, be sequestered or confiscated.

Property of citizens not to be sequestered.

ARTICLE XXIV.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, they have agreed, and do agree, to grant to their Envoys, Ministers, and other public agents, the same favors, immunities, and exemptions, as those of the most favored nation do or shall enjoy; it being understood that whatever favors, immunities, or privileges the United States of America or the Peru-Bolivian Confederation may find it proper to grant to the Envoys, Ministers, and public agents of any other power shall, by the same act, be granted and extended to those of the contracting parties respectively.

Immunities of public agents.

ARTICLE XXV.

To make more effectual the protection which the United States of America and the Peru-Bolivian Confederation shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce; who shall enjoy, within their respective consular districts, all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nation, each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such functionaries may not seem convenient.

Consuls admitted into all ports open to foreign commerce, except, &c.

ARTICLE XXVI.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit

Consuls to exhibit their commissions, &c.

their commission or patent, in due form, to the Government to which they are accredited; and, having received their exequatur, they shall be held and considered as such Consuls and Vice-Consuls by all the authorities, magistrates, and inhabitants in the consular district in which they reside.

ARTICLE XXVII.

Privileges of consuls, &c.

It is likewise agreed that the Consuls, Vice-Consuls, their secretaries, officers, and persons attached to their service, (they not being citizens of the country in which the Consul or Vice-Consul resides,) shall be exempt from all public service, and also from all kinds of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce, or their property, and from which the citizens of their respective country, resident in the other, are not exempt, in virtue of the stipulations contained in this treaty; they being, in every thing besides, subject to the laws of the respective States. The archives and papers of the consulates shall be respected inviolably, and under no pretext whatever shall any magistrate or other person seize or in any way interfere with them.

Consular archives to be inviolable.

ARTICLE XXVIII.

Consuls, &c., may require the assistance of the local authorities to arrest deserters.

The said Consuls and Vice-Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country; and for this purpose they shall address themselves to the courts, judges, or officers competent, and shall demand the said deserters in writing, proving, by an exhibition of the ship's roll or other public document, that the men so demanded are part of the crew of the vessel from which it is alleged they have deserted; and on this demand, so proved, (saving, however, when the contrary is more conclusively proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said Consuls or Vice-Consuls, and may be put in the public prisons, at the request and expense of those who reclaim them, to be sent to the ships to which they belong, or to others of the same nation; but if they should not be so sent within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

Deserters, how to be disposed of.

ARTICLE XXIX.

Consular convention to be formed.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree to form, as soon hereafter as may be mutually convenient, a consular convention, which shall declare, specially, the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

ARTICLE XXX.

Points agreed to.

The United States of America, and the Peru-Bolivian Confederation, desiring to make as durable as circumstances will permit the relations which are established between the two parties in virtue of this treaty, or general convention of peace, friendship, commerce, and navigation, have declared solemnly, and do agree, as follows:

1st. The present treaty shall be in force for twelve years from the day

Duration of the treaty.

of the exchange of the ratifications thereof; and, further, until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same, each of them reserving to itself the right of giving such notice to the other, at the end of said term of twelve years. And it is hereby agreed between the parties that, on the expiration of one year after such notice shall have been received by either of them from the other, as above mentioned, this treaty shall, in all the points relating to commerce and navigation, altogether cease and determine; and in all those parts which relate to peace and friendship, it shall be permanently and perpetually binding on both Powers.

Citizens personally responsible for violations of this treaty.

2ndly. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizen or citizens shall be held personally responsible therefor, and the harmony and good correspondence between the two nations shall not be interrupted thereby; each party engaging in no way to protect the offender or offenders, or to sanction such violence, under pain of rendering itself liable for the consequences thereof.

War not to be declared until redress has been demanded, &c.

3rdly. If, (which, indeed, cannot be expected,) unfortunately, any of the stipulations contained in the present treaty shall be violated or infringed in any other way whatever, it is expressly covenanted and agreed, that neither of the contracting parties will order, or authorize, any act of reprisals, nor declare or make war against the other, on complaint of injuries or damages resulting therefrom, until the party considering itself aggrieved shall first have presented to the other a statement or representation of such injuries or damages, verified by competent proofs, and have demanded redress and satisfaction, and the same shall have been either refused or unreasonably delayed.

Other treaties not to be affected by this.

4thly. Nothing in this treaty contained shall, however, be construed to operate contrary to former and existing public treaties with other states or sovereigns.

The present treaty of peace, friendship, commerce, and navigation shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the Supreme Protector of the north and south Peruvian States, President of the Republic of Bolivia, encharged with the direction of the foreign relations of the Peru-Bolivian Confederation; and the ratifications shall be exchanged within eighteen months from the date of the signature hereof, or sooner if possible.

In faith whereof we, the Plenipotentiaries of the United States of America and the Peru-Bolivian Confederation, have signed and sealed these presents.

Done in the city of Lima on the thirtieth day of November, in the year of our Lord one thousand eight hundred and thirty-six.

SAMUEL LARNED. [L. S.]
J. GARCIA DEL RIO. [L. S.]

PERU.

PERU, 1841.

CONVENTION WITH PERU, RESPECTING CLAIMS. CONCLUDED MARCH 17, 1841; PROCLAIMED FEBRUARY 21, 1844, AND JANUARY 8, 1847.*

The United States of America and the Republic of Peru, desirous of consolidating permanently the good understanding and friendship now happily existing between the parties, have resolved to arrange and terminate their differences and pretensions, by means of a convention that shall determine exactly the responsibilities of Peru with respect to the claims of certain citizens of the United States against her:

Commissioners appointed.

And with this intention, the President of the United States has appointed James C. Pickett, Chargé d'Affaires of said States near Peru, and His Excellency the President of the Republic of Peru has appointed Don Manuel del Rio, principal officer of the Department of Finance, Acting Minister of the same Department and Supernumerary Councillor of State;

And both Commissioners, after having exchanged their powers, have agreed upon and signed the following articles:

ARTICLE I.

The Peruvian Government, in order to make full satisfaction for various claims of citizens of the United States, on account of seizures, captures, detentions, sequestrations, and confiscations of their vessels, or for the damage and destruction of them, of their cargoes, or other property, at sea, and in the ports and territories of Peru, by order of said Government of Peru, or under its authority, has stipulated, to pay to the United States, the sum of three hundred thousand dollars, which shall be distributed among the claimants, in the manner and according to the rules that shall be prescribed by the Government of the United States.

Peru to pay United States $300,000.

* The reason why this treaty was proclaimed twice will appear in the following extract from the second proclamation of it, viz:

"And whereas the seventh article of the said convention required that the ratifications of the contracting parties should be exchanged within two years from its date, which provision was not observed by the said parties owing to delays in the ratification rendering such exchange impracticable within the time stipulated; and whereas it appears that the duly constituted authorities of the Republic of Peru did, on the 21st of October, 1845, by law, approve in all respects the said convention, with the condition, however, that the first annual instalment of thirty thousand dollars on account of the principal of the debt recognised thereby, and to which the second article relates, should begin from the 1st of January, 1846, and the interest on this annual sum, according to Article III, should be calculated and paid from the 1st of January, 1842; and whereas the said convention and the aforesaid modification thereof have been duly ratified, and the respective ratifications of the same were exchanged in the city of Lima on the 31st day of October last, by Albert G. Jewett, on the part of the United States, and Manuel del Rio, on the part of the Republic of Peru: Now, therefore, be it known," &c

ARTICLE II.

To be paid in ten annual instalments.

The sum of three hundred thousand dollars, which the Government of Peru has agreed to pay, in the preceding article, shall be paid at Lima, in ten equal annual instalments of thirty thousand dollars each, to the person or persons that may be appointed by the United States to receive it. The first instalment shall be paid on the first day of January, in the year one thousand eight hundred and forty-four, and an instalment on the first day of each succeeding January, until the whole sum of three hundred thousand dollars shall be paid.

ARTICLE III.

Interest.

The Peruvian Government agrees also to pay interest on the beforementioned sum of three hundred thousand dollars, at the rate of four per centum per annum, to be computed from the first day of January, one thousand eight hundred and forty-two, and the interest accruing on each instalment shall be paid with the instalment. That is to say, interest shall be paid on each annual instalment, from the first day of January, one thousand eight hundred and forty-two.

ARTICLE IV.

To be paid in hard dollars.

All the annual payments made on account of the three hundred thousand dollars, shall be paid in hard dollars of the same standard and value as those now coined at the mint in Lima; and the annual payments, as well as the accruing interest, may be exported from Peru, free of all duty whatever.

ARTICLE V.

No further demand for claims presented by S. Larned.

There shall not be demanded of the Government of Peru any other payment or indemnification, on account of any claim of the citizens of the United States, that was presented to it by Samuel Larned, esquire, when Chargé d'Affaires of the United States near Peru. But the claims subsequent to those presented by Mr. Larned to the Government of Peru shall be examined and acted upon hereafter.

ARTICLE VI.

Optional with Peru to pay with orders on custom-house at Callao.

It is further agreed, that the Peruvian Government shall have the option of paying each annual instalment, when it is due, with orders on the custom-house at Callao, which shall be endorsable in sums of any amount, and receivable in the Treasury, as cash, in payment of duties on importations of all kinds; and the orders shall be given in such a manner as, that in case similar orders shall be at a discount in the market, the full value of each annual payment shall be secured and made good to the United States, as though it had been paid in cash at the time of its falling due; and any loss occasioned by discount, or delay in the collection, shall be borne and made good by the Peruvian Government.

ARTICLE VII.

This convention shall be ratified by the contracting parties, and the ratifications shall be exchanged within two years from its date, or sooner

if possible, after having been approved by the President and Senate of the United States, and by the Congress of Peru.

In witness whereof, the respective Commissioners have signed the same, and affixed thereto their seals. Done in triplicate at the city of Lima, this seventeenth day of March, in the year of our Lord one thousand eight hundred and forty-one.

J. C. PICKETT. [L. S.]
MANUEL DEL RIO. [L. S.]

PERU, 1851.

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION, BETWEEN THE UNITED STATES AND PERU. CONCLUDED JULY 26, 1851; RATIFICATIONS EXCHANGED JULY 16, 1852; PROCLAIMED JULY 19, 1852.

[This treaty terminated December 9, 1863, in virtue of notice given by Peru a year previously under Article XL.]

Preamble.

The United States of America and the Republic of Peru, being equally animated with the desire to render firm and permanent the peace and friendship which have always so happily subsisted between them, and to place their commercial relations upon the most liberal basis, have resolved to fix clear and precise rules which shall in future be religiously observed between the two nations by means of a treaty of friendship, commerce, and navigation.

Negotiators.

To attain this desirable object, the President of the United States of America has conferred full powers on John Randolph Clay, the accredited Chargé d'Affaires of the said States to the Government of Peru, and the President of the Republic of Peru has conferred like full powers on Brigadier General Don Juan Crisostomo Torrico, Minister of War and the Marine, Minister of Foreign Affairs ad interim, &c., &c.; who, after exchanging their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

State of peace provided for.

There shall be perfect and perpetual peace and friendship between the United States of America and the Republic of Peru, and between their respective territories, people, and citizens, without distinction of persons or places.

ARTICLE II.

Freedom of commerce.

The United States of America and the Republic of Peru mutually agree that there shall be reciprocal liberty of commerce and navigation between their respective territories and citizens; the citizens of either republic may frequent with their vessels all the coasts, ports, and places of the other, wherever foreign commerce is permitted, and reside in all parts of the territories of either, and occupy dwellings and warehouses, and everything belonging thereto shall be respected and shall not be subjected to any arbitrary visits or search.

Privileges of citizens of either nation in the other.

The said citizens shall have full liberty to trade in all parts of the territories of either, according to the rules established by the respective regulations of commerce, in all kinds of goods, merchandise, manufactures, and produce not pro-

hibited to all, and to open retail stores and shops, under the same municipal and police regulations as native citizens; and they shall not in this respect be liable to any other or higher taxes or imposts than those which are or may be paid by native citizens. No examination or inspection of their books, papers, or accounts shall be made without the legal order of a competent tribunal or judge.

The citizens of either country shall also have the unrestrained right to travel in any part of the possessions of the other, and shall in all cases enjoy the same security and protection as the natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing; they shall not be called upon for any forced loan or occasional contribution, nor shall they be liable to any embargo, or to be detained with their vessels, cargoes, merchandise, goods, or effects, for any military expedition, or for any public purpose whatsoever, without being allowed therefor a full and sufficient indemnification, which shall in all cases be agreed upon and paid in advance.

ARTICLE III.

Each nation to stand on the footing of the most favored nation.

The two high contracting parties hereby bind and engage themselves not to grant any favor, privilege, or immunity whatever, in matters of commerce and navigation, to other nations, which shall not be also immediately extended to the citizens of the other contracting party, who shall enjoy the same, gratuitously, if the concession shall have been gratuitous, or on giving a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

ARTICLE IV.

Duties on vessels, and local charges.

No higher or other duties or charges on account of tonnage, light-houses, or harbour dues, pilotage, quarantine, salvage in case of damage or shipwreck, or any other local charges, shall be imposed in any ports of Peru on vessels of the United States, of the burden of two hundred tons and upwards, than those payable in the same ports by Peruvian vessels of the same burden; nor in any of the ports of the United States by Peruvian vessels of the burden of two hundred tons and upwards, than shall be payable in the same ports by vessels of the United States of the same burden.

ARTICLE V.

Commercial provisions.

All kinds of merchandise and articles of commerce which may be lawfully imported into the ports and territories of either of the high contracting parties in national vessels may also be so imported in vessels of the other party, without paying other or higher duties and charges of any kind or denomination whatever than if the same merchandise and articles of commerce were imported in national vessels; nor shall any distinction be made in the manner of making payment of the said duties or charges.

It is expressly understood that the stipulations in this and the preceding article are to their full extent applicable to the vessels and their cargoes belonging to either of the high contracting parties arriving in the ports and territories of the other, whether the said vessels have cleared directly from the ports of the country to which they appertain, or from the ports of any other nation.

ARTICLE VI.

No higher or other duties or charges shall be imposed or levied upon the importation into the ports and territories of either of the high contracting parties of any article the produce, growth, or manufacture of the other party, than are or shall be payable on the like article being the produce, growth, or manufacture of any other country; nor shall any prohibition be imposed upon the importation of any article the produce, growth, or manufacture of either party into the ports or territories of the other, which shall not equally extend to all other nations.

Duties on goods

ARTICLE VII.

All kinds of merchandise and articles of commerce which may be lawfully exported from the ports and territories of either of the high contracting parties in national vessels may also be exported in vessels of the other party; and they shall be subject to the same duties only, and be entitled to the same drawbacks, bounties, and allowances, whether the same merchandise and articles of commerce be exported in vessels of the one party or in vessels of the other party.

Provision against discriminating duties.

ARTICLE VIII.

No changes or alterations in the tariffs of either of the high contracting parties, augmenting the duties payable upon merchandise or articles of commerce of any sort or kind imported into or exported from their respective ports, shall be held to apply to the commerce or navigation of either party, until the expiration of eight calendar months after the said changes or alterations shall have been promulgated and become a law, unless the law or decree by which such changes or alterations shall be made contain a prospective provision to the same or similar effect.

Changes in duties, when to take effect.

ARTICLE IX.

It is hereby declared that the stipulations of the present treaty are not to be understood as applying to the navigation and coasting trade between one port and another situated in the territories of either contracting party; the regulation of such navigation and trade being reserved, respectively, by the parties, according to their own separate laws.

Provisions as to coasting trade.

Vessels of either country shall, however, be permitted to discharge part of their cargoes at one port open to foreign commerce in the territories of either of the high contracting parties, and to proceed with the remainder of their cargo to any other port or ports of the same territories open to foreign commerce, without paying other or higher tonnage-dues or port-charges in such cases than would be paid by national vessels in like circumstances; and they shall be permitted to load in like manner at different ports in the same voyage outwards.

Vessels may visit successive ports.

ARTICLE X.

The Republic of Peru, desiring to increase the intercourse along its coasts, by means of steam navigation, hereby engages to accord to any citizen or citizens of the United States who may establish a line of steam-vessels, to navigate regularly between the

Provisions as to steam-vessels.

different ports of entry within the Peruvian territories, the same privileges of taking in and landing freight, entering the by-ports for the purpose of receiving and landing passengers and their baggage, specie, and bullion, carrying the public mails, establishing depots for coal, erecting the necessary machine and workshops for repairing and refitting the steam-vessels, and all other favors enjoyed by any other association or company whatsoever. It is furthermore understood between the two high contracting parties, that the steam-vessels of either shall not be subject in the ports of the other party to any duties of tonnage, harbor, or other similar duties whatsoever, than those that are or may be paid by any other association or company.

ARTICLE XI.

What shall be considered a Peruvian vessel.

For the better understanding of the preceding articles, and taking into consideration the actual state of the commercial marine of Peru, it is stipulated and agreed that every vessel belonging exclusively to a citizen or citizens of the said republic, and of which the captain is also a citizen of the same, though the construction or the crew is or may be foreign, shall be considered, for all the objects of this treaty, as a Peruvian vessel.

ARTICLE XII.

Privileges of whale-ships in Peruvian ports.

The whale-ships of the United States shall have access to the port of Tumbez, as well as to the ports of entry in Peru, and may sail from one port to another for the purposes of refreshment and refitting, and they shall be permitted to sell or barter their supplies or goods, including oil, to the amount of two hundred dollars, ad valorem, for each vessel without paying any tonnage or harbour dues, or any duties or imposts upon the articles so sold or bartered. They shall be also permitted, with like exemption from tonnage and harbour dues, further to sell or barter their supplies or goods, including oil, to the aditional amount of one thousand dollars, ad valorem, for each vessel, upon paying for the said additional articles the same duties as are payable upon like supplies, or goods and oil, when imported in the vessels and by the citizens or subjects of the most favored nation.

ARTICLE XIII.

Commercial provisions.

The merchants, commanders, or masters of vessels, and other citizens of either contracting party, shall be wholly free to manage their own business and affairs, in all the ports and places within the jurisdiction of the other, or to commit their business and affairs to the management of any person whom they may choose to appoint, as agent, factor, consignee, or interpreter. They shall not be restrained in the choice of persons to act in such capacities, or be compelled to pay any salary or remuneration to any one whom they do not wish to employ. Absolute freedom shall be given, as well with respect to the consignment and sale of their merchandise and articles of commerce, as to the purchase of their returns, unloading, loading, and sending off their vessels. The buyer and seller shall have full liberty to bargain together and fix the price of any merchandise or articles of commerce, imported into or to be exported from the territories of either contracting party, the regulations of commerce established in the respective countries being in every case duly observed.

ARTICLE XIV.

Peruvian citizens shall enjoy the same privileges in frequenting the mines, and in digging or working for gold upon the public lands situated in the State of California, as are, or may be hereafter, accorded by the United States of America to the citizens or subjects of the most favored nation.

Privileges of Peruvians in the mines of California.

ARTICLE XV.

The citizens of either of the high contracting parties shall have the full power and liberty to dispose of their personal property and effects, of every kind and description, within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their heirs or representatives, being citizens of the other party, shall succeed to their said personal property and effects, whether by testament or ab intestato, and may take possession of the same themselves or by others acting for them, and dispose of the same at their pleasure, paying such dues only as the inhabitants of the country wherein said effects may be shall be subject to pay in like cases. Should the property consist of real estate, and the heirs, on account of their character as aliens, be prevented from entering into possession of the inheritance, they shall be allowed the term of three years to dispose of the same and withdraw and export the proceeds, which they may do without any hindrance, and without paying any other dues or charges than those which are established by the laws of the country.

Right to dispose of property.

ARTICLE XVI.

If any vessel belonging to the citizens of either of the high contracting parties should be wrecked, suffer damage, or be left derelict, on or near the coasts, within the territories of the other, all assistance and protection shall be given to such vessel and her crew; and the vessel, or any part thereof, and all furniture and appurtenances belonging thereto, together with all the merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored to the owners, or their agents, they paying only the expenses incurred in the preservation of the property, together with the rate of salvage which would have been payable, in the like case, by national vessels; and it shall be permitted for them to unload the merchandise and effects on board, with the proper precautions to prevent their illicit introduction, without exacting in such case any duty, impost, or contribution whatever, provided the same be exported.

Provisions in case of wrecks, &c.

ARTICLE XVII.

When through stress of weather, want of water or provisions, pursuit of enemies or pirates, the vessels of one of the high contracting parties, whether of war (public or private) or of trade, or employed in fishing, shall be forced to seek shelter in the ports, rivers, bays, and dominions of the other, they shall be received and treated with humanity; sufficient time shall be allowed for the completion of repairs, and while any vessel may be undergoing them its cargo shall not unnecessarily be required to be landed either in whole or in part; all assistance and protection shall be given to enable the vessels to procure supplies, and to place them in a condition to pursue their voyage without obstacle or hindrance.

Same subject.

ARTICLE XVIII.

Property recaptured from pirates to be restored.

All vessels, merchandise, and effects, belonging to the citizens of either of the high contracting parties, which may be captured by pirates, either on the high seas or within the limits of its jurisdiction, and may be carried into or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners or their agents, they proving, in due and proper form, their rights before the competent tribunals; it being understood that the claim thereto shall be made within two years, by the owners themselves, their agents, or the agents of the respective Governments.

ARTICLE XIX.

Personal rights of citizens of either nation in the other.

The high contracting parties promise and engage to give full and perfect protection to the persons and property of the citizens of each other, of all classes and occupations, who may be dwelling or transient in the territories subject to their respective jurisdiction; they shall have free and open access to the tribunals of justice for their judicial recourse, on the same terms as are usual and customary with the natives or citizens of the country in which they may be, and they shall be at liberty to employ, in all causes, the advocates, attornies, notaries, or agents, of whatever description, whom they may think proper. The said citizens shall not be liable to imprisonment without formal commitment under a warrant signed by a legal authority, except in cases *flagrantis delicti;* and they shall in all cases be brought before a magistrate, or other legal authority, for examination, within twenty-four hours after arrest; and if not so examined, the accused shall forthwith be discharged from custody. Said citizens, when detained in prison, shall be treated during their imprisonment with humanity, and no unnecessary severity shall be exercised towards them.

ARTICLE XX.

Liberty of conscience.

It is likewise agreed that perfect and entire liberty of conscience shall be enjoyed by the citizens of both the contracting parties in the countries subject to the jurisdiction of the one or the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying-grounds, or in other decent and suitable places, and shall be protected from violation or disturbance.

Rights of burial.

ARTICLE XXI.

Provision respecting trade with enemies.

The citizens of the United States of America and of the Republic of Peru may sail with their vessels, with entire freedom and security, from any port to the ports or places of those who now are, or hereafter shall be, enemies of either of the contracting parties, whoever may be the owners of the merchandise laden in the said vessels. The same citizens shall also be allowed to sail with their vessels, and to carry and traffic with their merchandise from the ports and places of the enemies of both parties, or of one of them, without any hindrance, not only to neutral ports and places, but also from

one port belonging to an enemy to another enemy's port, whether they be under the jurisdiction of one power or under several. And it is agreed that free ships shall give freedom to goods, and that everything shall be deemed free which shall be found on board the vessels belonging to the citizens of either of the contracting parties, although the whole lading or a part thereof, should belong to the enemies of either, articles contraband of war being always excepted. The same liberty shall be extended to persons who may be on board free ships, so that said persons cannot be taken out of them, even if they may be enemies of both parties, or of one of them, unless they are officers or soldiers in the actual service of the enemy. It is agreed that the stipulations in this article declaring that the flag shall cover the property shall be understood as applying to those nations only who recognize this principle; but if either of the contracting parties shall be at war with a third, and the other shall remain neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not that of others.

ARTICLE XXII.

Provisions respecting neutral goods—enemies' vessels.

When the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, in virtue of the preceding article, neutral property found on board enemies' vessels shall likewise be considered as enemies' property, and shall be subject to detention and confiscation, unless it shall have been put on board before the declaration of war, or even afterwards, if it were done without knowledge of such declaration; but the contracting parties agree that ignorance cannot be alleged after the lapse of six months from the declaration of war. On the contrary, in those cases where the flag of the neutral does not protect enemies' property which may be found on board, the goods or merchandise of the neutral embarked in enemies' vessels shall be free.

ARTICLE XXIII.

Definition of contraband articles.

The liberty of commerce and navigation stipulated for in the preceding articles shall extend to all kinds of merchandise except the articles called contraband of war, under which name shall be comprehended:

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, grenades, bombs, powder, matches, balls, and everything belonging to the use of these arms.

2nd. Bucklers, helmets, breastplates, coats of mail, accoutrements, and clothes made up in military form and for military use.

3d. Cavalry belts and horses, with their harness.

4th. And generally, all offensive or defensive arms made of iron, steel, brass, copper, or of any other material, prepared and formed to make war by land or at sea.

ARTICLE XXIV.

All other goods free, except to places besieged or blockaded.

All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified as above shall be held and considered as free and subjects of free and lawful commerce, so that they may be carried and trans-

ported in the freest manner by both the contracting parties even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in this particular, it is declared that those places only shall be considered as besieged or blockaded which are actually invested or attacked by a force capable of preventing the entry of the neutral.

ARTICLE XXV.

Provisions for the case of contraband, among free articles.

The articles of contraband, or those before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation; but the rest of the cargo and the ship shall be left free, that the owners may dispose of them as they see proper. No vessel of either of the contracting parties shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless, indeed, the quantity of such articles be so great, or of so large bulk, that they cannot be received on board the capturing vessel without great inconvenience; but in this and all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment according to law.

ARTICLE XXVI.

Blockades and sieges.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after having been warned of such blockade or investment by the commanding officer of a vessel forming part of the blockading forces, she again attempt to enter; but she shall be permitted to go to any other port or place the master or supercargo may think proper. Nor shall any vessel of either party that may have entered into such port or place before the same was actually beseiged, blockaded, or invested by the other, be restrained from leaving it with her cargo, nor, if found therein before or after the reduction and surrender, shall such vessel or her cargo be liable to seizure, confiscation, or any demand on the score of redemption or restitution; but the owners thereof shall remain in the undisturbed possession of their property. And if any vessel having thus entered the port before the blockade took place shall take on board a cargo after the blockade be established, and attempt to depart, she may be warned by the blockading forces to return to the blockaded port and discharge the said cargo; and if, after receiving such warning, the vessel shall persist in going out with the cargo, she shall be liable to the same consequences as in the case of a vessel attempting to enter a blockaded port after having been warned off by the blockading forces.

ARTICLE XXVII.

Right of visitation and search.

To prevent disorder and irregularity in visiting and examining the vessels and cargoes of both the contracting parties on the high seas, they have agreed, mutually, that whenever a vessel of war, public or private, shall meet with a neutral of the other

party, the former shall remain at the greatest distance compatible with the possibility and safety of making the visit, under the circumstances of wind and sea, and the degree of suspicion attending the vessel to be visited, and shall send one of her small boats with no more men than may be necessary to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, in respect of which the commanders of said armed vessels shall be responsible with their persons and property; for which purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the injuries and damages they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board of the examining vessel for the purpose of exhibiting the ship's papers, nor for any other purpose whatever.

ARTICLE XXVIII.

Papers with which vessels of either party must be provided, when the other is at war.

Both contracting parties likewise agree that when one of them shall be engaged in war the vessels of the other must be furnished with sea-letters, patents, or passports, in which shall be expressed the name, burden of the vessel, and the name and place of residence of the owner, and master or captain thereof, in order that it may appear that the vessel really and truly belongs to citizens of the said other party. It is also agreed that such vessels being laden, besides the said sea-letters, patents, or passports, shall be provided with manifests or certificates, containing the particulars of the cargo and the place where it was taken on board, so that it may be known whether any part of the same consists of contraband or prohibited articles; which certificate shall be made out in the accustomed form by the authorities of the port whence the vessel sailed; without which requisites the vessel may be detained to be adjudged by the competent tribunales, and may be declared good and legal prize, unless it shall be proved that the said defect or omission was owing to accident, or unless it shall be satisfied or supplied by testimony equivalent in the opinion of the said tribunals, for which purpose there shall be allowed a reasonable length of time to procure and present it.

ARTICLE XXIX.

Vessels under convoy.

The preceding stipulations relative to the visit and examination of vessels shall apply only to those which sail without convoy; for when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag they carry, and, when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ARTICLE XXX.

Prize cases, provisions as to.

It is further agreed that, in all prize cases, the courts specially established for such causes in the country to which the prizes may be conducted shall alone take cognizance of them. And whenever such courts of either party shall pronounce judgment against any vessel, merchandise, or property claimed by the citizens of the other party, the sentence or decree shall set forth the reasons or motives on which the same shall have been founded; and an authenticated copy of

the sentence or decree, and of all the proceedings connected with the case, shall, if demanded, be delivered to the commander or agent of the said vessel, merchandise, or property, without any excuse or delay, upon payment of the established legal fees for the same.

ARTICLE XXXI.

Citizens of either nation not to serve against the other.

Whenever one of the contracting parties shall be engaged in war with another nation, no citizen of the other contracting party shall accept a commission, or letter of marque, for the purpose of assisting or co-operating hostilely with the said enemy against the said party so at war, under pain of being treated as a pirate.

ARTICLE XXXII.

Rights of citizens, in case of war between the two nations.

If, which is not to be expected, a rupture should at any time take place between the two contracting nations, and they should engage in war with each other, they have agreed, now for then, that the merchants, traders, and other citizens of all occupations of either of the two parties, residing in the cities, ports, and dominions of the other, shall have the privilege of remaining and continuing their trade and business therein, and shall be respected and maintained in the full and undisturbed enjoyment of their personal liberty and property, so long as they conduct themselves peaceably and properly, and commit no offence against the laws. And in case their acts should render them justly suspected, and, having thus forfeited this privilege, the respective Governments should think proper to order them to leave the country, the term of twelve months from the publication or intimation of the order therefor shall be allowed them in which to arrange and settle their affairs and remove with their families, effects, and property; to which end the necessary safe conduct shall be given to them, which shall serve as a sufficient protection, until they arrive at the designated port and there embark; but this favor shall not be extended to those who shall act contrary to the established laws. It is, nevertheless, understood that the respective Governments may order the persons so suspected to remove, forthwith, to such places in the interior as may be designated.

Right to order their removal, how to be exercised.

ARTICLE XXXIII.

Property, debts, &c., not to be confiscated by war.

In the event of a war, or of any interruption of friendly intercourse between the high contracting parties, the money, private debts, shares in the public funds or in the public or private banks, or any other property whatever, belonging to the citizens of the one party in the territories of the other, shall in no case be sequestrated or confiscated.

ARTICLE XXXIV.

Rights of envoys, &c.

The high contracting parties, desiring to avoid all inequality in their public communications and official intercourse, agree to grant to their Envoys, Ministers, Chargés d'Affaires, and other diplomatic agents, the same favors, privileges, immunities, and exemptions, that those of the most favored nations do or shall enjoy; it being understood that the favors, privileges, immunities, and exemptions granted by the one party to the Envoys, Ministers, Chargés d'Affaires,

or other diplomatic agents of the other party, or to those of any other nation shall be reciprocally granted and extended to those of both the high contracting parties respectively.

ARTICLE XXXV.

Provisions respecting Consuls, &c.

To protect more effectually the commerce and navigation of their respective citizens, the United States of America and the Republic of Peru agree to admit and receive, mutually, Consuls and Vice-Consuls in all their ports open to foreign commerce, who shall enjoy, within their respective consular districts, all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nation. But to enjoy the rights, prerogatives, and immunities which belong to them, in virtue of their public character, the Consuls and Vice-Consuls shall before exercising their official functions, exhibit to the government to which they are accredited their commissions or patents in due form, in order to receive their exequatur; after receiving which they shall be acknowledged, in their official characters, by the authorities, magistrates, and inhabitants of the district in which they reside. The high contracting parties, nevertheless, remain at liberty to except those ports and places where the admission and residence of Consuls or Vice-Consuls may not seem convenient, provided that the refusal to admit them shall likewise extend to those of all nations.

ARTICLE XXXVI.

Consuls, &c., to be exempted from taxes, &c.

The Consuls, Vice-Consuls, their officers, and persons employed in their consulates, shall be exempt from all public service and from all kinds of taxes, imposts, and contributions, except those which they shall lawfully be held to pay on account of their property or commerce, and to which the citizens and other inhabitants of the country in which they reside are subject, they being, in other respects, subject to the laws of the respective countries.

Archives and papers of, to be inviolate.

The archives and papers of the consulates shall be inviolably respected, and no person, magistrate, or other public authority shall, under any pretext, interfere with or seize them.

ARTICLE XXXVII.

Deserters, reclamation of.

The Consuls and Vice-Consuls shall have power to require the assistance of the public authorities of the country in which they reside, for the arrest, detention, and custody of deserters from the vessels of war or merchant-vessels of their nation; and where the deserters claimed shall belong to a merchant-vessel, the Consuls or Vice-Consuls must address themselves to the competent authority, and demand the deserters in writing, proving, by the ship's roll or other public document, that the individuals claimed are a part of the crew of the vessel from which it is alleged that they have deserted; but should the individuals claimed form a part of the crew of a vessel of war, the word of honor of a commissioned officer attached to the said vessel shall be sufficient to identify the deserters; and when the demand of the Consuls or Vice-Consuls shall, in either case, be so proved, the delivery of the deserters shall not be refused. The said deserters, when arrested, shall be delivered to the Consuls or Vice-Consuls, or, at the request of these, shall be put in the public prisons and maintained at the expense of those who reclaim them, to be delivered to the vessels

to which they belong, or sent to others of the same nation; but if the said deserters should not be so delivered or sent within the term of two months, to be counted from the day of their arrest, they shall be set at liberty, and shall not be again apprehended for the same cause. The high contracting parties agree that it shall not be lawful for any public authority, or other person within their respective dominions, to harbor or protect such deserters.

ARTICLE XXXVIII.

Consular Convention to be formed.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree to form, as soon hereafter as may be mutually convenient, a consular convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

ARTICLE XXXIX.

Rights of Consuls, &c., to take charge of estates in case of decease of citizens of their own country in the other, or at sea.

Until the conclusion of a consular convention, the high contracting parties agree that, in the absence of the legal heirs or representatives, the Consuls or Vice-Consuls of either party shall be ex officio the executors or administrators of the citizens of their nation who may die within their consular jurisdictions, and of their countrymen dying at sea, whose property may be brought within their district. The said Consuls or Vice-Consuls shall call in a justice of the peace, or other local authority, to assist in taking an inventory of the effects and property left by the deceased; after which, the said effects shall remain in the hands of the said Consuls or Vice-Consuls, who shall be authorized to sell immediately such of the effects or property as may be of a perishable nature, and to dispose of the remainder according to the instructions of their respective governments. And where the deceased has been engaged in commerce or other business, the Consuls or Vice-Consuls shall hold the effects and property so remaining until the expiration of twelve calendar months; during which time the creditors, if any, of the deceased, shall have the right to present their claims or demands against the said effects and property, and all questions arising out of such claims or demands shall be decided by the laws of the country wherein the said citizens may have died. It is understood, nevertheless, that if no claim or demand shall have been made against the effects and property of an individual so deceased, the Consuls or Vice-Consuls, at the expiration of the twelve calendar months, may close the estate and dispose of the effects and property, in accordance with the instructions from their own governments.

ARTICLE XL.

The United States of America and the Republic of Peru, desiring to make as durable as circumstances will permit the relations established between the two parties in virtue of this treaty of friendship, commerce, and navigation, declare solemnly and agree as follows:

Treaty in force ten years, and till twelve months' notice.

1st. The present treaty shall remain in force for the term of ten years from the day of the exchange of the ratifications thereof; and, further, until the end of one year after either of the high contracting parties shall have given notice to the other of its intention to terminate the same, each of them reserving to itself the right of giving such notice to the other at the end of the said term

of ten years. And it is hereby agreed between the parties that, on the expiration of one year after such notice shall have been received by either of them from the other party, as above mentioned, this treaty shall altogether cease and determine.

2dly. If any citizen or citizens of either party shall infringe any of the articles of the treaty, such citizen or citizens shall be held personally responsible therefor; and the harmony and good understanding between the two nations shall not be interrupted thereby; each party engaging in no way to protect the offender or offenders, or to sanction such violation, under pain of rendering itself liable for the consequences thereof.

Acts of private citizens not to disturb amicable relations.

3dly. Should unfortunately any of the provisions contained in the present treaty be violated or infringed in any other manner whatever, it is expressly stipulated and agreed that neither of the contracting parties shall order or authorize any act of reprisals, nor declare or make war against the other, on complaint of injuries or damages resulting therefrom, until the party considering itself aggrieved shall first have presented to the other a statement or representation of such injuries or damages, verified by competent proofs, and demanded redress and satisfaction, and the same shall have been either refused or unreasonably delayed.

4thly. Nothing contained in this treaty shall, however, be construed to operate contrary to former and existing public treaties with other nations or sovereigns.

The present treaty of friendship, commerce, and navigation, shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Peru, with the authorization of the Congress thereof; and the ratifications shall be exchanged at Washington within eighteen months from the date of the signature hereof, or sooner if possible.

In faith whereof we, the Plenipotentiaries of the United States of America and of the Republic of Peru, have signed and sealed these presents.

Done at the city of Lima on the twenty-sixth day of July, in the year of our Lord one thousand eight hundred and fifty-one.

J. RANDOLPH CLAY. [L. S.]
J. CMO. TORRICO. [L. S.]

PERU, 1856.

CONVENTION WITH PERU RELATIVE TO THE RIGHTS OF NEUTRALS AT SEA. CONCLUDED JULY 22, 1856; RATIFICATIONS EXCHANGED OCTOBER 31, 1857; PROCLAIMED NOVEMBER 2, 1857.

The United States of America and the Republic of Peru, in order to render still more intimate their relations of friendship and good understanding, and desiring, for the benefit of their respective commerce and that of other nations, to establish an uniform system of maritime legislation in time of war, in accordance with the present state of civilization, have resolved to declare, by means of a formal convention, the principles which the two Republics acknowledge as the basis of the rights of neutrals at sea, and which they recognize and profess as permanent and immutable, considering them as the true

Preamble.

and indispensable conditions of all freedom of navigation and maritime commerce and trade.

Negotiators.

For this purpose the President of the United States of America has conferred full powers on John Randolph Clay, their Envoy Extraordinary and Minister Plenipotentiary to the Government of Peru; and the Liberator President of the Republic of Peru has conferred like full powers on Don José Maria Seguin, Chief Officer of the Ministry of Foreign Affairs, in charge of that Department;

Who, after having exchanged their said full powers, found to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

The two high contracting parties recognize as permanent and immutable the following principles:

Rights of neutrals at sea.

1st. That free ships make free goods; that is to say, that the effects or merchandise belonging to a Power or nation at war, or to its citizens or subjects, are free from capture and confiscation when found on board of neutral vessels, with the exception of articles contraband of war.

2d. That the property of neutrals on board of an enemy's vessel is not subject to detention or confiscation, unless the same be contraband of war; it being also understood that, as far as regards the two contracting parties, warlike articles destined for the use of either of them shall not be considered as contraband of war.

The two high contracting parties engage to apply these principles to the commerce and navigation of all Powers and States as shall consent to adopt them as permanent and immutable.

ARTICLE II.

It is hereby agreed between the two high contracting parties that the provisions contained in article twenty-second of the treaty concluded between them at Lima on the twenty-sixth day of July, one thousand eight hundred and fifty-one, are hereby annulled and revoked, in so far as they militate against or are contrary to the stipulations contained in this convention; but nothing in the present convention shall in any manner affect or invalidate the stipulations contained in the other articles of the said treaty of the twenty-sixth of July, one thousand eight hundred and fifty-one, which shall remain in their full force and effect.

ARTICLE III.

The two high contracting parties reserve to themselves to come to an ulterior understanding, as circumstances may require, with regard to the application and extension to be given, if there be any cause for it, to the principles laid down in the first article; but they declare from this time that they will take the stipulations contained in the said article as a rule, whenever it shall become a question, to judge of the rights of neutrality.

ARTICLE IV.

Nations acceding to these rules shall enjoy the resulting rights.

It is agreed between the two high contracting parties that all nations which shall consent to accede to the rules of the first article of this convention by a formal declaration, stipulating to observe them, shall enjoy the rights resulting from such

accession as they shall be enjoyed and observed by the two parties signing this convention. They shall communicate to each other the result of the steps which may be taken on the subject.

ARTICLE V.

The present convention shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of said States, and by the President of the Republic of Peru, with the authorization of the legislative body of Peru, and the ratifications shall be exchanged at Washington within eighteen months from the date of the signature hereof, or sooner if possible. Ratifications.

In faith whereof, the Plenipotentiaries of the United States of America and the Republic of Peru have signed and sealed these presents. Signatures

Done at the city of Lima on the twenty-second day of July, in the year of our Lord one thousand eight hundred and fifty-six.

J. RANDOLPH CLAY. [L. S.]
J. M. SEGUIN. [L. S.]

PERU, 1857.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF PERU, INTERPRETING THE TWELFTH ARTICLE OF THE TREATY OF JULY 26, 1851. SIGNED AT LIMA JULY 4, 1857; RATIFICATIONS EXCHANGED AT WASHINGTON OCTOBER 13, 1858; PROCLAIMED OCTOBER 14, 1858.

Certain doubts having arisen with regard to the interpretation to be given to article twelfth of the treaty of the 26th of July, 1851, as to the goods, other than oil and the produce of their fishery, that the whale-ships of the United States may land and sell, or barter, duty free, for the purpose of obtaining provisions and refitting; a concession which, in articles eighty-one and one hundred and ten of the General Commercial Regulations, is not so extensive; and it being convenient, for the advantage of the citizens of the United States employed in the whale fishery, and of the citizens of Peru, who furnish provisions, to fix, clearly and definitively, the proper meaning of the concessions stipulated in the above-mentioned article twelfth of the treaty of the 26th of July, 1851, so that while those reciprocal benefits are secured, all and every controversy in the matter may be avoided:

The Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Republic of Peru, John Randolph Clay, in virtue of his full powers, and His Excellency Doctor Don Manuel Ortiz de Zevallos, Minister of Foreign Affairs of the Republic of Peru, fully authorized to act in the premises by the Excellent Council of Ministers charged with the Government of the Republic, after having held repeated conferences, and come to a mutual understanding upon the true spirit and extent of the exemption from duties conceded to the said whale-ships in the sale and barter of their stores and merchandise, by article twelfth of the treaty of 1851, which provides: Negotiators.

"ARTICLE XII.

"The whale-ships of the United States shall have access to the port of Tumbez as well as to the ports of entry of Peru, and may sail from one port to another for the purposes of refreshment and refitting, and they shall be permitted to sell or barter their supplies or goods, including oil, to the amount of two hundred dollars, ad valorem, for each vessel, without paying any tonnage or harbor dues, or any duties or imposts upon the articles so sold or bartered. They shall be also permitted, with like exemption from tonnage and harbor dues, further to sell or barter their supplies or goods, including oil, to the additional amount of one thousand dollars, ad valorem, for each vessel, upon paying for the said additional articles the same duties as are payable upon like supplies or goods and oil when imported in the vessels and by the citizens or subjects of the most favored nations:"

Have agreed and declared:

ARTICLE I.

Extent of exemption of whale-ships from duty.

That the permission to the whale-ships of the United States to barter or sell their supplies and goods to the value of two hundred dollars ad valorem, without being obliged to pay port or tonnage dues, or other imposts, should not be understood to comprehend every kind of merchandise without limitation, but those only that whale-ships are usually provided with for their long voyages.

ARTICLE II.

Articles exempted.

That in the said exemption from duties of every kind are included the following articles, in addition to the produce of their fishery, viz:

White unbleached domestics.
White bleached domestics.
Wide cotton cloths.
Blue drills.
Twilled cottons.
Shirting stripes.
Ticking.
Cotton shirtings.
Prints.
Sailors' clothing of all kinds.
Soap.
Slush.
Boots, shoes, and brogans.
Axes, hatchets.
Biscuit of every kind.
Flour.
Lard.
Butter.
Rum.
Beef.
Pork.
Spermaceti and composition candles.
Canvass.
Rope.
Tobacco.

ARTICLE III.

Enumerated articles to the value of $500 free of duty.

It is also agreed upon and understood between the contracting parties, that the whale-ships of the United States may land and sell or barter, free of all duties or imposts whatsoever, the supplies and merchandise specified in the preceding article, to the amount of five hundred dollars, ad valorem, in conformity with article 81 of the General Commercial Regulations; but for every additional quantity from five hundred dollars to one thousand dollars, ad valorem, the exemption shall only extend to port and tonnage dues.

ARTICLE IV.

The stipulations in this convention shall have the same force and effect as if inserted, word for word, in the treaty concluded in Lima on the 26th of July, 1851, and of which they shall be deemed and considered as explanatory. For which purpose the present convention shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the Executive Power of the Republic of Peru, with the authorization of the national Peruvian legislature; and the ratifications shall be exchanged in Washington in as short a time as possible.

In faith whereof, the above-named plenipotentiaries have signed, in quadruplicate, this convention, explanatory of the treaty of the twenty-sixth of July, one thousand eight hundred and fifty-one, and have hereunto affixed their seals.

Done at Lima, the fourth day of July, in the year of our Lord one thousand eight hundred and fifty-seven.

J. RANDOLPH CLAY. [L. S.]
MANUEL ORTIZ DE ZEVALLOS. [L. S.]

PERU, 1862.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF PERU, RESPECTING THE "LIZZIE THOMPSON" AND "GEORGIANA." CONCLUDED AT LIMA DECEMBER 20, 1862; RATIFICATIONS EXCHANGED AT LIMA, APRIL 21, 1863; PROCLAIMED MAY 19, 1863.

Claims upon Peru for the capture, &c., of the Lizzie Thompson and Georgiana to be referred to the decision of some friendly power

Whereas differences having arisen between the United States of America and the Republic of Peru, originating in the capture and confiscation by the latter of two ships belonging to citizens of the United States, called the "Lizzie Thompson" and "Georgiana;" and the two Governments not being able to come to an agreement upon the questions involved in said capture and confiscation, and being equally animated with the desire to maintain the relations of harmony which have always existed, and which it is desirable to preserve and strengthen between the two Governments, have agreed to refer all the questions, both of law and fact, involved in the capture and confiscation of said ships by the Government of Peru, to the decision of some friendly Power; and it being now expedient to proceed to and regulate the reference as above described, the United States of America and the Republic of Peru have for that purpose named their respective Plenipotentiaries, that is to say:

Plenipotentiaries.

The President of the United States has appointed Christopher Robinson, their Envoy Extraordinary and Minister Plenipotentiary to Peru, and the President of Peru Dr. José Gregorio Paz Soldan, Minister of State in the office of Foreign Relations and President of the Council of Ministers;

Who, after having exchanged their full powers, found to be in due and proper form, have agreed upon the following articles:

ARTICLE I.

The two contracting parties agree in naming as arbiter, umpire, and

The King of Belgium to be arbiter.

friendly arbitrator, His Majesty the King of Belgium, conferring upon him the most ample power to decide and determine all the questions, both of law and fact, involved in the proceedings of the Government of Peru in the capture and confiscation of the ships "Lizzie Thompson" and "Georgiana."

ARTICLE II.

The King of Belgium to be properly solicited to act as arbiter.

The two contracting parties will adopt the proper measures to solicit and obtain the assent of His Majesty the King of Belgium to act in the office hereby conferred upon him.

After His Majesty the King of Belgium shall have declared his assent to exercise the office of arbiter, the two contracting parties will submit, through their diplomatic agents residing at Brussels, to His Majesty copies of all the correspondence, proofs, papers, and documents which have passed between the two Governments or their respective representatives; and should either party think proper to present to said arbiter any other papers, proofs, or documents in addition to those above mentioned, the same shall be communicated to the other party within four months after the ratification of this convention.

Papers to be submitted to him.

ARTICLE III.

Both parties being equally interested in having a decision upon the questions hereby submitted, they agree to deliver to the said arbiter all the documents referred to in the second article within six months after he shall have signified his consent to act as such.

Documents, &c., to be submitted within six months.

ARTICLE IV.

The sentence or decision of said arbiter, when given, shall be final and conclusive upon all the questions hereby referred, and the contracting parties hereby agree to carry the same into immediate effect.

Decision of arbiter to be final.

ARTICLE V.

This convention shall be ratified and the ratifications exchanged in the term of six months from the date hereof.

Ratifications to be exchanged within six months.

In faith whereof the Plenipotentiaries of the two Governments have signed and sealed, with their respective seals, the present convention.

Signature.

Done in the city of Lima, in duplicate, on the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-two.

CHRISTOPHER ROBINSON. [L. S.]
JOSÉ G. PAZ SOLDAN. [L. S.]

PERU, 1863.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF PERU, FOR THE SETTLEMENT OF THE PENDING CLAIMS OF CITIZENS OF EITHER COUNTRY AGAINST THE OTHER. CONCLUDED AT LIMA JANUARY 12, 1863; RATIFICATIONS EXCHANGED AT LIMA APRIL 18, 1863; PROCLAIMED MAY 19, 1863.

The United States of America and the Republic of Peru, desiring to settle and adjust amicably the claims which have been made by the citizens of each country against the Government of the other, have agreed to make arrangements for that purpose by means of a convention, and have named as their Plenipotentiaries to confer and agree thereupon as follows:

Contracting parties.

The President of the United States, Christopher Robinson, Envoy Extraordinary and Minister Plenipotentiary of said States to Peru, and the President of Peru, Dr. José Gregorio Paz Soldan, the Minister of Foreign Relations and President of the Council of Ministers;

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed as follows:

ARTICLE I.

All claims of citizens of the United States against the Government of Peru, and of citizens of Peru against the Government of the United States, which have not been embraced in conventional or diplomatic agreement between the two Governments or their Plenipotentiaries, and statements of which, soliciting the interposition of either Government, may, previously to the exchange of the ratifications of this convention, have been filed in the Department of State at Washington, or the Department of Foreign Affairs at Lima, shall be referred to a mixed commission composed of four members, appointed as follows: Two by the Government of the United States, and two by the Government of Peru. In case of the death, absence, or incapacity of either Commismissioner, or in the event of either Commissioner ceasing to act, the Government of the United States, or its Envoy Extraordinary and Minister Plenipotentiary in Peru, acting under its direction, or that of the Republic of Peru, shall forthwith proceed to fill the vacancy thus occasioned.

Claims against Peru to be referred to a mixed commission.

Number and appointment of commissioners.

Vacancies.

ARTICLE II.

The Commissioners so named shall immediately after their organisation, and before proceeding to any other business, proceed to name a fifth person to act as an arbitrator or umpire in any case or cases in which they may themselves differ in opinion.

Commissioners to name an umpire

ARTICLE III.

The Commissioners appointed as aforesaid shall meet in Lima within three months after the exchange of the ratifications of this convention; and each one of the Commissioners, before proceeding to any business, shall take an oath, made and subscribed before the most Excellent Supreme Court, that they will carefully examine and impartially decide, according

To meet in Lima within three months after, &c.

To take and subscribe an oath.

to the principles of justice and equity, the principles of international law and treaty stipulations, upon all the claims laid before them under the provisions of this convention, and in accordance with the evidence submitted on the part of either Government. A similar oath shall be taken and subscribed by the person selected by the Commissioners as arbitrator or umpire, and said oaths shall be entered upon the record of the proceedings of said commission.

Oath of umpire.

ARTICLE IV.

The arbitrator or umpire being appointed, the Commissioners shall without delay, proceed to examine and determine the claims specified in the first article, and shall hear, if required, one person in behalf of each Government on each separate claim. Each government shall furnish, at the request of either of the Commissioners, the papers in its possession which may be important to the just determination of any of the claims referred.

Claims to be examined.

Mode of procedure.

Papers to be furnished.

ARTICLE V.

From the decision of the Commissioners there shall be no appeal; and the agreement of three of them shall give full force and effect to their decisions, as well with respect to the justice of their claims as to the amount of indemnification that may be adjudged to the claimants; and in case the Commissioners cannot agree, the points of difference shall be referred to the arbitrator or umpire, before whom the Commissioners may be heard, and his decision shall be final.

Decision of commissioners to be final.

Agreement of three to be sufficient.

ARTICLE VI.

The decision of the mixed commission shall be executed without appeal by each of the contracting parties, and it shall be the duty of the Commissioners to report to the respective Governments the result of their proceedings; and if the decision of said Commissioners require the payment of indemnities to any of the claimants, the sums determined by the said Commissioners shall be paid by the Government against which they are awarded within one month after said Government shall have received the report of said Commissioners; and for any delay in the payment of the sum awarded after the expiration of said month, the sum of six per cent. interest shall be paid during such time as said delay shall continue.

Each party shall execute the decree without appeal.

Payments, how made.

Interest.

ARTICLE VII.

For the purpose of facilitating the labors of the mixed commission, each Government shall appoint a secretary to assist in the transaction of their business and to keep a record of their proceedings, and for the conduct of their business said commissioners are authorised to make all necessary rules.

Secretary to the commission.

Rules of business.

ARTICLE VIII.

The decisions of this Commission, or of the umpire in case of a difference between the Commissioners, shall be final and conclusive, and shall be carried into full effect by the two contracting parties. The Commission shall terminate its labors in six months from and including the day of its organization; pro-

Decisions.

Commission to conclude labors in six months.

vided, however, if at the time stipulated for the termination of said Commission any case or cases should be pending before the umpire and awaiting his decision, it is understood and agreed by the two contracting parties that said umpire is authorised to proceed and make his decision or award in such case or cases; and upon his report thereof to each of the two Governments, mentioning the amount of indemnity, if such shall have been allowed by him, such award shall be final and conclusive in the same manner as if it had been made by the Commissioners under their own agreement; provided that said decision shall be made by said umpire within thirty days after the final adjournment of said Commission, and at the expiration of the said thirty days the power and authority hereby granted to said umpire shall cease.

Decision of umpire on pending cases.

ARTICLE IX.

Each Government shall pay its own Commissioners and secretary, but the umpire shall be paid, one-half by the Government of the United States and one-half by the Republic of Peru.

Expenses of commissioners, umpire, &c.

ARTICLE X.

The present convention shall be ratified, and the ratifications thereof shall be exchanged in the term of four months from the date hereof.

In faith whereof, the respective Plenipotentiaries have signed the same and affixed their respective seals.

Done in the city of Lima this twelfth day of January, in the year of our Lord one thousand eight hundred and sixty-three.

CHRISTOPHER ROBINSON. [L. S.]
JOSÉ G. PAZ SOLDAN. [L. S.]

PERU, 1868.

CONVENTION WITH PERU, RESPECTING CLAIMS. CONCLUDED DECEMBER 4, 1868; RATIFICATIONS EXCHANGED JUNE 4, 1869; PROCLAIMED JULY 6, 1869.

Whereas claims may have, at various times since the signature of the decisions of the mixed commission which met in Lima in July, 1863, been made upon the Government of the United States of America, by citizens of Peru, and have been made by citizens of the United States of America on the Government of Peru; and whereas some of such claims are still pending: The President of the United States of America and the President of Peru, being of opinion that a speedy and equitable settlement of all such claims will contribute much to the maintenance of the friendly feelings which subsist between the two countries, have resolved to make arrangements for that purpose by means of a convention, and have named as their Plenipotentiaries to confer and agree thereupon, that is to say:

The President of the United States names Alvin P. Hovey, Envoy Extraordinary and Minister Plenipotentiary of the United States of America near the Government of Peru; and the President of Peru names His Excellency Doctor Don José Antonio Barrenechea, Minister of Foreign Affairs of Peru;

Who, after having communicated to each other their respective full powers, found in good and true form, have agreed as follows:

ARTICLE I.

Certain claims upon the two Governments to be referred to two Commissioners.

The high contracting parties agree that all claims on the part of corporations, companies, or private individuals, citizens of the United States, upon the Government of Peru, and all claims on the part of corporations, companies, or private individuals, citizens of Peru, upon the Government of the United States, which may have been presented to either government for its interposition since the sittings of the said mixed commission, and which remain yet unsettled, as well as any other claims which may be presented within the time specified in Article III hereinafter, shall be referred to the two Commissioners, who shall be appointed in the following manner, that is to say: One Commissioner shall be named by the President of the United States, and one by the President of Peru. In case of the death, absence, or incapacity of either Commissioner, or in the event of either Commissioner omitting or ceasing to act as such, the President of the United States or the President of Peru, respectively, shall forthwith name another person to act as Commissioner in the place or stead of the Commissioner already named. The Commissioners so named shall meet at Lima at their earliest convenience after they have been respectively named, not to exceed three months from the ratification of this convention, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide to the best of their judgment, and according to justice and equity, without fear, favor, or affection to their own country, upon all such claims as shall be laid before them on the part of the Governments of the United States and Peru, respectively, and such declarations shall be entered on the record of the Commission.

Provisions as to Umpire.

The Commissioners shall then, and before proceeding to other business, name some third person of some third nation to act as an Arbitrator or Umpire in any case or cases on which they may themselves differ in opinion. If they should not be able to agree upon the name of such third person, they shall each name a person of a third nation, and in each and every case in which the Commissioners may differ in opinion as to the decision which they ought to give, it shall be determined by lot which of the two persons so named shall be the Arbitrator or Umpire in that particular case. The person or persons so to be chosen to be Arbitrator or Umpire shall, before proceeding to act as such in any case, make and subscribe a solemn declaration in a form similar to that which shall have already been made and subscribed by the Commissioners, which shall be entered upon the records of their proceedings. In the event of the death, absence, or incapacity of such person or persons, or of his or their omitting or declining, or ceasing to act as such Arbitrator or Umpire, another and different person shall be named as aforesaid to act as such Arbitrator or Umpire in the place and stead of the person so originally named as aforesaid, and shall make and subscribe such declaration as aforesaid.

ARTICLE II.

The Commissioners shall then forthwith proceed to the investigation of the claims which shall be presented to their notice. They shall investigate and decide upon such claims in such order and in such man-

ner as they may conjointly think proper, but upon such evidence or information as shall be furnished by or on behalf of their respective Governments. They shall be bound to receive and peruse all written documents or statements which may be presented to them by or on behalf of their respective Governments, in support of or in answer to any claim, and to hear, if required, one person on each side on behalf of each Government as Counsel or Agent for such Government, on each and every separate claim. Should they fail to agree in opinion on any individual claim, they shall call to their assistance the Arbitrator or Umpire whom they have agreed to name, or who may be determined by lot, as the case may be, and such Arbitrator or Umpire, after having examined the evidence adduced for and against the claim, and after having heard, as required, one person on each side, as aforesaid, and consulted with the Commissioners, shall decide thereupon finally and without appeal. The decision of the Commissioners and of the Arbitrator or Umpire shall be given upon each claim in writing, and shall be signed by them respectively. It shall be competent for each Government to name one person to attend the Commissioners as agent on its behalf, and to answer claims made upon it, and to represent it generally in all matters connected with the investigation and decision thereof.

Decision of the Commissioners to be final.

The President of the United States, and the President of Peru, hereby solemnly and sincerely engage to consider the decision of the Commissioners conjointly, or of the Arbitrator or Umpire, as the case may be, as absolutely final and conclusive upon each claim decided upon by them or him, respectively, and to give full effect to such decisions, without any objections, evasion, or delay whatsoever. It is agreed that no claim arising out of any transaction of a date prior to the 30th of November, 1863, shall be admissible under this convention.

ARTICLE III.

Every claim shall be presented to the Commissioners within two months from the day of their first meeting, unless in any case where reasons for delay shall be established to the satisfaction of the Commissioners, or of the Arbitrator or Umpire, in the event of the Commissioners differing in opinion thereon, and then and in every such case the period for presenting the claim may be extended to any period not exceeding one month longer.

The Commissioners shall be bound to examine and decide upon every claim within six months from the day of their first meeting.

ARTICLE IV.

All sums of money which may be awarded by the Commissioners, or by the Arbitrator or Umpire, on account of any claim, shall be paid by the one Government to the other, as the case may be, within four months after the date of the decision, without interest, and without any deduction, save as specified in Article VI, hereinafter.

ARTICLE V.

This Commission to be final settlement of all claims, &c., prior to exchange of ratifications.

The high contracting parties agree to consider the result of the proceedings of this Commission as a full, perfect, and final settlement of every claim upon either Government arising out of any transaction of a date prior to the exchange of the ratifications of the present convention; and further engage

that every such claim, whether or not the same may have been presented to the notice of, made, preferred, or laid before the said Commissioners, shall, from and after the conclusion of the proceedings of the said Commission, be considered and treated as finally settled, barred, and therefore inadmissible.

ARTICLE VI.

Salaries of Commissioners, Umpire, and secretaries.

The salaries of the Commissioners shall not exceed forty-five hundred dollars in United States gold coin, each, yearly. Those of the secretaries and Arbitrator or Umpire shall be determined by the Commissioners; and in case the said Commission finish its labors in less than six months, the Commissioners, together with their assistants, will be entitled to six months' pay, and the whole expenses of the Commission shall be defrayed by a ratable deduction on the amount of the sums awarded by the Commissioners, provided always that such deduction shall not exceed the rate of five per cent. on the sums so awarded. The deficiency, if any, shall be defrayed by the two Governments in moieties.

ARTICLE VII.

Convention, when to be ratified.

The present convention shall be ratified by the President of the United States, by and with the consent of the Senate thereof, and by the President of Peru, with the approbation of the Congress of that Republic, and the ratifications will be exchanged in Lima, as soon as may be, within six months of the date hereof.

ARTICLE VIII.

This convention not to be a precedent as to future claims.

The high contracting parties declare that this convention shall not be considered as a precedent obligatory on them, and that they remain in perfect liberty to proceed in the manner that may be deemed most convenient regarding the diplomatic claims that may arise in the future.

Execution.

In witness whereof the respective Plenipotentiaries have signed the same in the English and Spanish languages, and have affixed thereto the seals of their arms.

Done in Lima the fourth day of December, in the year of our Lord one thousand eight hundred and sixty eight.

ALVIN P. HOVEY. [L. S.]
J. A. BARRENECHEA. [L. S.]

PORTUGAL.

PORTUGAL, 1840.

TREATY OF COMMERCE AND NAVIGATION WITH PORTUGAL. CONCLUDED AUGUST 26, 1840; RATIFICATIONS EXCHANGED APRIL 23, 1841; PROCLAIMED APRIL 24, 1841.

In the Name of the Most Holy and Undivided Trinity.

The United States of America and Her Most Faithful Majesty the Queen of Portugal and of the Algarves, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective States; of extending, also, and consolidating the commercial intercourse between them; and convinced that this object cannot better be accomplished than by adopting the system of an entire freedom of navigation, and a perfect reciprocity based upon principles of equity equally beneficial to both countries; have, in consequence, agreed to enter into negotiations for the conclusion of a treaty of commerce and navigation; and they have appointed as their Plenipotentiaries for that purpose, to wit:

The President of the United States of America, Edward Kavan[a]gh, their Chargé d'Affaires at the Court of Her Most Faithful Majesty; and Her Most Faithful Majesty, the most illustrious and most excellent John Baptist de Almeida Garrett, First Historiographer to her said Majesty, of her Council, Member of the Cortes, Knight of the ancient and most noble Order of the Tower an[d] Sword, Knight Commander of the Order of Christ, Officer of the Order of Leopold in Belgium, Judge of the Superior Court of Commerce, Envoy Extraordinary and Minister Plenipotentiary to Her Catholic Majesty;

Who, after having exchanged their respective full powers, found to be in due and proper form, have agreed upon and concluded the following articles:

ARTICLE I.

Reciprocal liberty of commerce and navigation.

There shall be, between the territories of the high contracting parties, a reciprocal liberty of commerce and navigation. The citizens and subjects of their respective States shall, mutually, have liberty to enter the ports, places, and rivers of the territories of each party, wherever foreign commerce is or shall be permitted. They shall be at liberty to sojourn and reside in all parts of said territories, in order to attend to their affairs; and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

ARTICLE II.

Vessels of either party put on the footing of national vessels.

Vessels of the United States of America arriving, either laden or in ballast, in the ports of the Kingdom and possessions of Portugal; and, reciprocally, Portuguese vessels arriving, either laden or in ballast, in the ports of the United States of

America, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels, coming from the same place, with respect to the duties of tonnage, light-house duties, pilotage, port charges, as well as to the fees and perquisites of public officers, and all other duties and charges, of whatever kind or denomination, levied upon vessels of commerce, in the name or to the profit of the Government, the local authorities, or of any public or private establishment, whatsoever.

ARTICLE III.

No higher or other duties shall be imposed on the importation into the Kingdom and possessions of Portugal of any article the growth, produce, or manufacture of the United States of America; and no higher or other duties shall be imposed on the importation into the United States of America of any article the growth, produce, or manufacture of the Kingdom and possessions of Portugal, than such as are or shall be payable on the like article being the growth, produce, or manufacture of any other foreign country.

No other or higher duties to be imposed on importations, &c.

Nor shall any prohibition be imposed on the importation or exportation of any article the growth, produce, or manufacture of the United States of America, or of the Kingdom and possessions of Portugal, to or from the ports of the said Kingdom and possessions of Portugal, or of the said States, which shall not equally extend to all other foreign nations.

All prohibitions to be general.

Nor shall any higher or other duties or charges be imposed, in either of the two countries, on the exportation of any articles to the United States of America, or to the Kingdom of Portugal, respectively, than such as are payable on the exportation of the like articles to any other foreign country.

No other or higher duties to be imposed on exportations, &c.

Provided, however, that nothing contained in this article shall be understood, or intended, to interfere with the stipulation entered into by the United States of America, for a special equivalent, in regard to French wines, in the convention made by the said States and France, on the fourth day of July, in the year of our Lord one thousand eight hundred and thirty-one; which stipulation will expire, and cease to have effect, in the month of February, in the year of our Lord one thousand eight hundred and forty-two.

ARTICLE IV.

The same duties shall be paid, and the same bounties, deductions, or privileges allowed, on the importation into the Kingdom and Possessions of Portugal, of any article the growth, produce, or manufacture of the United States of America, whether such importation shall be in vessels of the said States, or in Portuguese vessels; and, reciprocally, the same duties shall be paid, and the same bounties, deductions, or privileges allowed, on the importation into the United States of America, of any article the growth, produce, or manufacture of the Kingdom and possessions of Portugal, whether such importation shall be in Portuguese vessels, or in vessels of the said States.

Same duties on importations, &c., in vessels of either party.

ARTICLE V.

It is agreed by the high contracting parties that, whenever there may be lawfully imported into all or any of the ports of the Kingdom and possessions of Portugal, in vessels of any foreign country, articles of the growth, produce, or manufacture of

Favors granted by either party to other nations, to become common.

a country other than that to which the importing vessels shall belong, the same privilege shall immediately become common to vessels of the United States of America, with all the same rights and favors as may, in that respect, be granted to the most favored nation. And, reciprocally, in consideration thereof, Portuguese vessels shall thereafter enjoy, in the same respect, privileges, rights, and favors, to a correspondent extent, in the ports of the United States of America.

ARTICLE VI.

All kinds of merchandise and articles of commerce, which may be lawfully exported or re-exported from the ports of either of the high contracting parties to any foreign country, in national vessels, may also be exported or re-exported therefrom in vessels of the other party, respectively, without paying other or higher duties or charges, of whatever kind or denomination, than if the same merchandise or articles of commerce were exported or re-exported in national vessels.

No higher or other duties on exportations, &c., than are paid by national vessels.

And the same bountries and drawbacks shall be allowed, whether such exportation or re-exportation be made in vessels of the one party or the other.

Bounties, &c., the same in vessels of either party.

ARTICLE VII.

It is expressly understood that nothing contained in this treaty shall be applicable to the coastwise navigation of either of the two countries, which each of the high contracting parties reserves exclusively to itself.

Coasting trade excepted.

ARTICLE VIII.

It is mutually understood that the foregoing stipulations do not apply to ports and territories, in the Kingdom and possessions of Portugal, where foreign commerce and navigation are not admitted; and that the commerce and navigation of Portugal directly to and from the United States of America and the said ports and territories are also prohibited.

Foregoing stipulations not applicable to certain ports.

But Her Most Faithful Majesty agrees that, as soon as the said ports and territories, or any of them, shall be opened to the commerce or navigation of any foreign nation, they shall, from that moment, be also opened to the commerce and navigation of the United States of America, with the same privileges, rights, and favors as may be allowed to the most favored nation, gratuitously, if the concession was gratuitously made, or on allowing the same compensation or an equivalent if the concession was conditional.

Said ports, &c., when opened to any foreign nation, to be open to United States.

ARTICLE IX.

Whenever the citizens or subjects of either of the contracting parties shall be forced to seek refuge or asylum in any of the rivers, bays, ports, or territories of the other, with their vessels, whether merchant or of war, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, giving to them all favor, facility, and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage, without obstacle or hindrance of any kind.

Protection to vessels seeking refuge, &c.

ARTICLE X.

Each party to have Consuls, &c., in each other's ports.

The two contracting parties shall have the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Agents, and Commissaries of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nation. But before any Consul, Vice-Consul, Agent, or Commissary shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent.

Of Consuls engaging in commerce.

But, if any such Consuls shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted, in the same place, in respect of their commercial transactions.

Consuls violating the laws.

And it is hereby declared that, in case of offense against the laws, such Consul, Vice-Consul, Agent, or Commissary may either be punished according to law or be sent back, the offended Government assigning to the other reasons for the same.

Consular archives inviolable.

The archives and papers of the consulates shall be respected inviolably; and under no pretext whatever shall any magistrate seize or in any way interfere with them.

Disputes between Americans, &c.; to be decided by Consul, &c.

The Consuls, Vice-Consuls, and Commercial Agents shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captains should disturb the order or the tranquillity or offend the laws of the country, or the said Consuls, Vice-Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported.

Contending parties may resort to judicial authorities, &c.

It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authorities of their country.

ARTICLE XI.

Consuls, &c., may require the aid of the civil authorities to arrest deserters.

The said Consuls, Vice-Consuls, and Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest, detention, and imprisonment of the deserters from the ships of war and merchant-vessels of their country.

How the demand shall be made.

For this purpose they shall apply to the competent tribunals, judges, and officers, and shall in writing demand the said deserters, proving, by the exhibition of the registers of the vessels, the rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and this reclamation being thus substantiated, the surrender shall be made without delay.

Deserters, when arrested, how to be disposed of.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country by a vessel of the same nation, or any other vessel whatsoever. But, if not sent back within four months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the

deserter shall be found to have committed any crime or offense, the surrender may be delayed until the tribunal before which his case shall be pending shall have pronounced its sentence, and such sentence shall have been carried into effect.

ARTICLE XII.

The citizens and subjects of each of the high contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise; and their representatives shall succeed to their said personal goods, whether by testament or ab intestato, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at will, paying to the profit of the respective Governments such dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases.

Power to dispose of personal goods, &c.

And where, on the death of any person holding real estate within the territories of one of the high contracting parties, such real estate would, by the laws of the land, descend on a citizen or subject of the other party, who, by reason of alienage, may be incapable of holding it, he shall be allowed the time fixed by the laws of the country; and, in case the laws of the country actually in force may not have fixed any such time, he then shall be allowed a reasonable time to sell or otherwise dispose of such real estate, and to withdraw and export the proceeds without molestation, and without paying to the profit of the respective Governments any other dues than those to which the inhabitants of the country wherein said real estate is situated shall be subject to pay in like cases.

In case of real estate, time allowed to sell the same, &c.

ARTICLE XIII.

If either party shall hereafter grant to any other nation any particular favor in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation or an equivalent, *quam proximè*, where the grant is conditional.

Favors in navigation, &c., to become common.

ARTICLE XIV.

The United States of America and Her Most Faithful Majesty, desiring to make as durable as circumstances will permit, the relations which are to be established between the two parties, by virtue of this treaty or general convention of reciprocal liberty of commerce and navigation, have declared solemnly and do agree to the following points:

The following points agreed to.

1st. The present treaty shall be in force for six years from the date hereof, and further until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at any time after the expiration of the said term of six years; and it is hereby agreed between them that, on the expiration of one year after such notice shall have been received by either from the other party, this treaty shall altogether cease and terminate.

Duration of the treaty.

2d. If any one or more of the citizens or subjects of either party shall

Citizens personally responsible for a violation of this treaty.

infringe any of the articles of this treaty, such citizen or subject shall be held personally responsible for the same; and the harmony and good correspondence between the two nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

Reprisals not to be authorized, nor war declared, until, &c.

3d. If, (which, indeed, cannot be expected,) unfortunately, any of the articles contained in the present treaty shall be violated or infringed in any way whatever, it is expressly stipulated, that neither of the contracting parties will order or authorise any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

Ratifications to be exchanged within eight months.

4th. The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said States, and by Her Most Faithful Majesty, with the previous consent of the General Cortes of the nation, and the ratifications shall be exchanged, in the city of Washington, within eight months from the date hereof, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done in triplicate in the city of Lisbon, the twenty-sixth day of August, in the year of our Lord one thousand eight hundred and forty.

EDWARD KAVANAGH. [L. S.]
JOÃO BAPTISTA DE ALMEIDA GARRETT. [L. S.]

[The treaty of August 26, 1840, did not restrict either Government from imposing discriminating duties on merchandise not the growth or production of the nation of the vessel carrying the same into the port of the other nation. (*Oldfield* vs. *Marriott*, 10 *Howard*, 146.)]

PORTUGAL, 1851.

TREATY WITH PORTUGAL RELATIVE TO CERTAIN CLAIMS OF AMERICAN CITIZENS. CONCLUDED FEBRUARY 26, 1851; RATIFICATIONS EXCHANGED JUNE 23, 1851; PROCLAIMED SEPTEMBER 1, 1851.

Preamble.

The United States of America and Her Most Faithful Majesty the Queen of Portugal and of the Algarves, equally animated with the desire to maintain the relations of harmony and amity which have always existed, and which it is desirable to preserve between the two Powers, having agreed to terminate by a convention the pending questions between their respective Governments in relation to certain pecuniary claims of American citizens presented by the Government of the United States against the Government of Portugal, have appointed as their Plenipotentiaries for that purpose, to wit:

Negotiators.

The President of the United States of America, Daniel Webster, Secretary of State of said United States, and Her Most Faithful Majesty, J. C. de Figanière é Morão, of Her Council, Knight Commander of the Orders of Christ and of O. L. of Con-

ception of Villa Viçoza, and Minister Resident of Portugal near the Government of the United States;

Who, after having exchanged their respective full powers, found to be in due and proper form, have agreed upon and concluded the following articles:

ARTICLE I.

Payment to be made in full of claims.

Her Most Faithful Majesty the Queen of Portugal and of the Algarves, appreciating the difficulty of the two Governments agreeing upon the subject of said claims, from the difference of opinion entertained by them respectively, which difficulty might hazard the continuance of the good understanding now prevailing between them, and resolved to maintain the same unimpaired, has assented to pay to the Government of the United States a sum equivalent to the indemnities claimed for several American citizens, (with the exception of that mentioned in the fourth article,) and which sum the Government of the United States undertakes to receive in full satisfaction of said claims, except as aforesaid, and to distribute the same among the claimants.

ARTICLE II.

The case of the General Armstrong to be submitted to arbitration.

The high contracting parties, not being able to come to an agreement upon the question of public law involved in the case of the American privateer brig "General Armstrong," destroyed by British vessels in the waters of the island of Fayal, in September, 1814, Her Most Faithful Majesty has proposed, and the United States of America have consented, that the claim presented by the American Government, in behalf of the captain, officers, and crew of the said privateer, should be submitted to the arbitrament of a sovereign, potentate, or chief of some nation in amity with both the high contracting parties.

ARTICLE III.

Copies of all papers to be laid before arbiter, and his decision to be final.

So soon as the consent of the sovereign, potentate, or chief of some friendly nation, who shall be chosen by the two high contracting parties, shall have been obtained to act as arbiter in the aforesaid case of the privateer brig "General Armstrong," copies of all correspondence which has passed in reference to said claim between the two Governments and their respective representatives shall be laid before the arbiter, to whose decision the two high contracting parties hereby bind themselves to submit.

ARTICLE IV.

$91,727.00 to be paid for the other claims.

The pecuniary indemnities which Her Most Faithful Majesty promises to pay, or cause to be paid, for all the claims presented previous to the 6th day of July, 1850, in behalf of American citizens, by the Government of the United States, (with the exception of that of the "General Armstrong,") are fixed at ninety-one thousand seven hundred and twenty-seven dollars, in accordance with the correspondence between the two Governments.

ARTICLE V.

Payment, how made.

The payment of the sum stipulated in the preceding article shall be made in Lisbon, in ten equal instalments, in the course of five years, to the properly-authorized agent of the United

States. The first instalment of nine thousand one hundred and seventy-two dollars seventy cents, with interest as hereinafter provided, (or its equivalent in Portuguese current money,) shall be paid, as aforesaid, on the 30th day of September of the current year of 1851, or earlier, at the option of the Portuguese Government; and at the end of every subsequent six months a like instalment shall be paid—the integral sum of ninety-one thousand seven hundred and twenty-seven dollars, or its equivalent, thus to be satisfied on or before the thirtieth day of September, 1856.

ARTICLE VI.

Interest.

It is hereby agreed that each and all of the said instalments are to bear, and to be paid with an interest of six per cent. per annum, from the date of the exchange of the ratifications of the present convention.

ARTICLE VII.

Ratifications.

This convention shall be approved and ratified, and the ratifications shall be exchanged in the city of Lisbon within four months after the date hereof, or sooner if possible.

In testimony whereof the respective Plenipotentiaries have signed the same, and affixed thereto the seals of their arms.

Done in the city of Washington, D. C., the twenty-sixth day of February, of the year of our Lord one thousand eight hundred and fifty-one.

DAN'L WEBSTER. [L. S.]
J. C. DE FIGANIÈRE E MORÃO. [L. S.]

PRUSSIA.

PRUSSIA, 1785.

TREATY OF AMITY AND COMMERCE BETWEEN HIS MAJESTY THE KING OF PRUSSIA AND THE UNITED STATES OF AMERICA. CONCLUDED SEPTEMBER 10, 1785; RATIFIED BY THE KING OF PRUSSIA SEPTEMBER 24, 1785, AND BY THE CONGRESS OF THE UNITED STATES MAY 17, 1786.

[This treaty expired by its own limitation ten years after the exchange of ratifications.]

His Majesty the King of Prussia and the United States of America, desiring to fix, in a permanent and equitable manner, the rules to be observed in the intercourse and commerce they desire to establish between their respective countries, His Majesty and the United States have judged that the said end cannot be better obtained than by taking the most perfect equality and reciprocity for the basis of their agreement. July, August, and September, 1785.

With this view, His Majesty the King of Prussia has nominated and constituted as his Plenipotentiary, the Baron Frederick William de Thulemeier, his Privy Counsellor of Embassy, and Envoy Extraordinary with their High Mightinesses the States-General of the United Netherlands; and the United States have, on their part, given full powers to John Adams, Esquire, late one of their Ministers Plenipotentiary for negotiating a peace, heretofore a Delegate in Congress from the State of Massachusetts, and Chief Justice of the same, and now Minister Plenipotentiary of the United States with His Britannic Majesty; Doctor Benjamin Franklin, late Minister Plenipotentiary at the Court of Versailles, and another of their Ministers Plenipotentiary for negotiating a peace; and Thomas Jefferson, heretofore a Delegate in Congress from the State of Virginia, and Governor of the said State, and now Minister Plenipotentiary of the United States at the Court of His Most Christian Majesty; which respective Plenipotentiaries, after having exchanged their full powers, and on mature deliberation, have concluded, settled, and signed the following articles:

ARTICLE I.

There shall be a firm, inviolable, and universal peace and sincere friendship between His Majesty the King of Prussia, his heirs, successors, and subjects, on the one part, and the United States of America and their citizens on the other, without exception of persons or places.

ARTICLE II.

The subjects of His Majesty the King of Prussia may frequent all the coasts and countries of the United States of America, and reside and trade there in all sorts of produce, manufactures, and merchandize; and shall pay within the said United States no other or greater duties,

charges, or fees whatsoever, than the most favoured nations are or shall be obliged to pay: and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce which the most favoured nation does or shall enjoy; submitting themselves nevertheless to the laws and usages there established, and to which are submitted the citizens of the United States, and the citizens and subjects of the most favoured nations.

ARTICLE III.

Citizens of United States entitled to same privileges in Prussia, as the most favored nations.

In like manner the citizens of the United States of America may frequent all the coasts and countries of His Majesty the King of Prussia, and reside and trade there in all sorts of produce, manufactures, and merchandize; and shall pay in the dominions of his said Majesty no other or greater duties, charges, or fees whatsover than the most favoured nation is or shall be obliged to pay: and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce which the most favoured nation does or shall enjoy; submitting themselves nevertheless to the laws and usages there established, and to which are submitted the subjects of His Majesty the King of Prussia, and the subjects and citizens of the most favoured nations.

ARTICLE IV.

Regulation of commercial intercourse.

More especially each party shall have a right to carry their own produce, manufactures, and merchandize in their own or any other vessels to any parts of the dominions of the other, where it shall be lawful for all the subjects or citizens of that other freely to purchase them; and thence to take the produce, manufactures, and merchandize of the other, which all the said citizens or subjects shall in like manner be free to sell them, paying in both cases such duties, charges, and fees only as are or shall be paid by the most favoured nation. Nevertheless, the King of Prussia and the United States, and each of them, reserve to themselves the right, where any nation restrains the transportation of merchandize to the vessels of the country of which it is the growth or manufacture, to establish against such nations restaliating regulations; and also the right to prohibit, in their respective countries, the importation and exportation of all merchandize whatsoever, when reasons of state shall require it. In this case, the subjects or citizens of either of the contracting parties shall not import nor export the merchandize prohibited by the other; but if one of the contracting parties permits any other nation to import or export the same merchandize, the citizens or subjects of the other shall immediately enjoy the same liberty.

ARTICLE V.

Vessels not to be forced to unload merchandize, &c.

The merchants, commanders of vessels, or other subjects or citizens of either party, shall not within the ports or jurisdiction of the other be forced to unload any sort of merchandize into any other vessels, nor to receive them into their own, nor to wait for their being loaded longer than they please.

ARTICLE VI.

Goods to be examined before loaded, and not after, unless in case of fraud.

That the vessels of either party loading within the ports or jurisdiction of the other may not be uselessly harassed or detained, it is agreed that all examinations of goods required by the laws shall be made before they are laden on board the ves-

sel, and that there shall be no examination after; nor shall the vessel be searched at any time, unless articles shall have been laden therein clandestinely and illegally, in which case the person by whose order they were carried on board, or who carried them without order, shall be liable to the laws of the land in which he is; but no other person shall be molested, nor shall any other groods, nor the vessel, be seized or detained for that cause.

ARTICLE VII.

Each party shall endeavour, by all the means in their power, to protect and *desend* [defend] all vessels and other effects belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction, by sea or by land; and shall use all their efforts to recover, and cause to be restored to the right owners, their vessels and effects which shall be taken from them within the extent of their said jurisdiction.

Each party to protect the vessels and effects of the other, in their dominions.

ARTICLE VIII.

The vessels of the subjects or citizens of either party, coming on any coast belonging to the other, but not willing to enter into port, or being entered into port, and not willing to unload their cargoes or break bulk, shall have liberty to depart and to pursue their voyage without molestation, and without being obliged to render account of their cargo, or to pay any duties, charges, or fees whatsoever, except those established for vessels entered into port, and appropriated to the maintenance of the port itself, or of other establishments for the safety and convenience of navigators, which duties, charges, and fees shall be the same, and shall be paid on the same footing as in the case of subjects or citizens of the country where they are established.

Vessels coming on the coast, or entering the ports of either nation, how to be treated.

ARTICLE IX.

When any vessel of either party shall be wrecked, foundered, or otherwise damaged on the coasts, or within the dominion of the other, their respective subjects or citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case; and if the operations of repair shall require that the whole or any part of their cargo be unladed, they shall pay no duties, charges, or fees on the part which they shall relade and carry away. The antient and barbarous right to wrecks of the sea shall be entirely abolished, with respect to the subjects or citizens of the two contracting parties.

In case of shipwrecks relief shall be afforded, and goods restored.

ARTICLE X.

The citizens or subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise; and their representatives, being subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and may take possession thereof either by themselves or

The citizens or subjects of each party may dispose of their personal estate by will or otherwise.

by others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods, and for so long a time as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them. And if question shall arise among several claimants to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of the one party, such real estate would by the laws of the land descend on a citizens or subject of the other, were he not disqualified by alienage, such subject shall be allowed a reasonable time to sell the same, and to withdraw the proce[e]ds without molestation, and exempt from all rights of detraction on the part of the Government of the respective States. But this article shall not derogate in any manner from the force of the laws already published or hereafter to be published, by His Majesty the King of Prussia, to prevent the emigration of his subjects.

Regulations concerning the same.

ARTICLE XI.

The most perfect freedom of conscience and of worship is granted to the citizens or subjects of either party within the jurisdiction of the other, without being liable to molestation in that respect for any cause other than an insult on the religion of others. Moreover, when the subjects or citizens of the one party shall die within the jurisdiction of the other, their bodies shall be buried in the usual burying-grounds or other decent and suitable places, and shall be protected from violation or disturbance.

Liberty of conscience secured.

ARTICLE XII.

If one of the contracting parties should be engaged in war with any other Power, the free intercourse and commerce of the subjects or citizens of the party remaining neuter with the belligerent Powers shall not be interrupted. On the contrary, in that case, as in full peace, the vessels of the neutral party may navigate freely to and from the ports and on the coasts of the belligerent parties, free vessels making free goods, insomuch that all things shall be adjudged free which shall be on board any vessel belonging to the neutral party, although such things belong to an enemy of the other; and the same freedom shall be extended to persons who shall be on board a free vessel, although they should be enemies to the other party, unless they be soldiers in actual service of such enemy.

Liberty for either party to trade with a nation at war with the other.

Free ships make free goods.

ARTICLE XIII.

And in the same case of one of the contracting parties being engaged in war with any other Power, to prevent all the difficulties and misunderstandings that usually arise respecting the merchandize heretofore called contraband, such as arms, ammunition, and military stores of every kind, no such articles carried in the vessels, or by the subjects or citizens of one of the parties to the enemies of the other, shall be deemed contraband, so as to induce confiscation or condemnation and a loss of property to individuals. Nevertheless, it shall be lawful to stop such vessels and

No goods deemed contraband, so as to justify confiscation; but vessels may be detained.

articles, and to detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding, paying, however, a reasonable compensation for the loss such arrest shall occasion to the proprietors: And it shall further be allowed to use in the service of the captors the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But in the case supposed, of a vessel stopped for articles heretofore deemed contraband, if the master of the vessel stopped will deliver out the goods supposed to be of contraband nature, he shall be admitted to do it, and the vessel shall not in that case be carried into any port, nor further detained, but shall be allowed to proceed on her voyage.

ARTICLE XIV.

Vessels to be furnished with sea-letters or passports.

And in the same case where one of the parties is engaged in war with another Power, that the vessels of the neutral party may be readily and certainly known, it is agreed that they shall be provided with sea-letters or passports, which shall express the name, the property, and burthen of the vessel, as also the name and dwelling of the master; which passports shall be made out in good and due forms, (to be settled by conventions between the parties whenever occasion shall require,) shall be renewed as often as the vessel shall return into port, and shall be exhibited whensoever required, as well in the open sea as in port. But if the said vessel be under convoy of one or more vessels of war belonging to the neutral party, the simple declaration of the officer commanding the convoy, that the said vessel belongs to the party of which he is, shall be considered as establishing the fact, and shall relieve both parties from the trouble of further examination.

ARTICLE XV.

How vessels are to be treated when met by ships of war or privateers

And to prevent entirely all disorder and violence in such cases, it is stipulated, that when the vessels of the neutral party, sailing without convoy, shall be met by any vessel of war, public or private, of the other party, such vessel of war shall not approach within cannon-shot of the said neutral vessel, nor send more than two or three men in their boat on board the same, to examine her sea-letters or passports. And all persons belonging to any vessel of war, public or private, who shall molest or injure in any manner whatever the people, vessels, or effects of the other party, shall be responsible in their persons and property for damages and interest, sufficient security for which shall be given by all commanders of private armed vessels before they are commissioned.

ARTICLE XVI.

Vessels not to be detained.

It is agreed that the subjects or citizens of each of the contracting parties, their vessels and effects, shall not be liable to any embargo or detention on the part of the other, for any military expedition, or other public or private purpose whatsoever. And in all cases of seizure, detention, or arrest for debts contracted or offences committed by any citizen or subject of the one party, within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases.

ARTICLE XVII.

When recaptured, vessels shall be restored.

If any vessel or effects of the neutral Power be taken by an enemy of the other, or by a pirate, and retaken by that other, they shall be brought into some port of one of the parties, and delivered into the custody of the officers of that port, in order to be restored entire to the true proprietor, as soon as due proof shall be made concerning the property thereof.

ARTICLE XVIII.

Vessels driven by stress of weather, &c., into ports, shall be protected.

If the citizens or subjects of either party, in danger from tempests, pirates, enemies, or other accident, shall take refuge with their vessels or effects, within the harbours or jurisdiction of the other, they shall be received, protected, and treated with humanity and kindness, and shall be permitted to furnish themselves, at reasonable prices, with all refreshments, provisions, and other things necessary for their sustenance, hea[l]th, and accommodation, and for the repair of their vessels.

ARTICLE XIX.

Vessels of war may carry prizes into the ports of each nation.

The vessels of war, public and private, of both parties, shall carry freely wheresoever they please the vessels and effects taken from their enemies, without being obliged to pay any duties, charges, or fees to officers of admiralty, of the customs, or any others; nor shall such prizes be arrested, searched, or put under legal process, when they come to and enter the ports of the other party, but may freely be carried out again at any time by their captors to the places expressed in their commissions, which the commanding officer of such vessel shall be obliged to shew. But no vessel which shall have made prises on the subjects of His Most Christian Majesty the King of France shall have a right of asylum in the ports or havens of the said United States; and if any such be forced therein by tempest or dangers of the sea, they shall be obliged to depart as soon as possible, according to the tenor of the treaties existing between his said Most Christian Majesty and the said United States.

ARTICLE XX.

Citizens of either party shall not take commissions or letters of marque from a State at war with the other.

No citizen or subject of either of the contracting parties shall take from any Power with which the other may be at war any commission or letter-of marque for arming any vessel to act as a privateer against the other, on pain of being punished as a pirate; nor shall either party hire, lend, or give any part of their naval or military force to the enemy of the other, to aid them offensively or defensively against that other.

ARTICLE XXI.

Regulations to be observed in case of war.

If the two contracting parties should be engaged in war against a common enemy, the following points shall be observed between them: 1. If a vessel of one of the parties retaken by a privateer of the other shall not have been in possession of the enemy more than twenty-four hours, she shall be restored to the first owner for one-third of the value of the vessel and cargo; but if she

shall have been more than twenty-four hours in the possession of the enemy, she shall belong wholly to the recaptor. 2. If in the same case the recapture were by a public vessel of war of the one party, restitution shall be made to the owner for one-thirtieth part of the value of the vessel and cargo, if she shall not have been in possession of the enemy more than twenty-four hours, and one-tenth of the said value where she shall have been longer; which sums shall be distributed in gratuities to the recaptors. 3. The restitution in the cases aforesaid shall be after due proof of property, and surety given for the part to which the recaptors are entitled. 4. The vessels of war, public and private, of the two parties, shall be reciprocally admitted with their prizes into the respective ports of each; but the said prizes shall not be discharged nor sold there, until their legality shall have been decided, according to the laws and regulations of the States to which the captor belongs, but by the judicatures of the place into which the prize shall have been conducted. 5. It shall be free to each party to make such regulations as they shall judge necessary for the conduct of their respective vessels of war, public and private, relative to the vessels which they shall take and carry into the ports of the two parties.

Article XXII.

Convoys in certain cases.

Where the parties shall have a common enemy, or shall both be neutral, the vessels of war of each shall upon all occasions take under their protection the vessels of the other going the same course, and shall defend such vessels as long as they hold the same course against all force and violence, in the same manner as they ought to protect and defend vessels belonging to the party of which they are.

Article XXIII.

In case of war, nine months to be allowed to citizens to settle their affairs.

If war should arise between the two contracting parties, the merchants of either country then residing in the other shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects without molestation or hindrance. And all women and children, scholars of every faculty, cultivators of the earth, artizans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt or otherwise destroyed, nor their fields wasted by the armed force of the enemy, into whose power by the events of war they may happen to fall; but if anything is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price. And all merchant and trading vessels employed in exchanging the products of different places, and thereby rendering the necessaries, conveniencies, and comforts of human life more easy to be obtained, and *and* more general, shall be allowed to pass free and unmolested; and neither of the contracting Powers shall grant or issue any commission to any private armed vessels, empowering them to take or destroy such trading vessels or interrupt such commerce.

Principles of conducting war.

No commissions to be granted to private armed vessels.

Article XXIV.

And to prevent the destruction of prisoners of war, by sending them

Treatment of prisoners of war regulated.

into distant and inclement countries, or by crowding them into close and noxious places, the two contracting parties solemnly pledge themselves to each other and to the world that they will not adopt any such practice; that neither will send the prisoners whom they may take from the other into the East Indies, or any other parts of Asia or Africa, but that they shall be placed in some part of their dominions in Europe or America, in wholesome situations; that they shall not be confined in dungeons, prison-ships, nor prisons, nor be put into irons, nor bound, nor otherwise restrained in the use of their limbs; that the officers shall be enlarged on their paroles within convenient districts, and have comfortable quarters, and the commen men be disposed in cantonments open and extensive enough for air and exercise, and lodged in barracks as roomly and good as are provided by the party in whose power they are for their own troops; that the officers shall also be daily furnished by the party in whose power they are with as many rations, and of the same articles and quality as are allowed by them, either in kind or by commutation, to officers of equal rank in their own army; and all others shall be daily furnished by them with such ration as they allow to a common soldier in their own service; the value whereof shall be paid by the other party on a mutual adjustment of accounts for the subsistence of prisoners at the close of the war; and the said accounts shall not be mingled with, or set off against any others, nor the ballances due on them be witheld as a satisfaction or reprisal for any other article or for any other cause, real or pretended, whatever; that each party shall be allowed to keep a commissary of prisoners of their own appointment, with every separate cantonment of prisoners in possession of the other, which commissary shall see the prisoners as often as he pleases, shall be allowed to receive and distribute whatever comforts may be sent to them by their friends, and shall be free to make his reports in open letters to those who employ him; but if any officer shall breack his parole, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual officer or other prisoner shall forfeit so much of the benefit of this article as provides for his enlargement on parole or cantonment. And it is declared, that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending this and the next preceding article; but, on the contrary, that the state of war is precisely that for which they are provided, and during which they are to be as sacredly observed as the most acknowledged articles in the law of nature or nations.

Article XXV.

Consuls, &c., to be allowed in the ports of each nation.

The two contracting parties grant to each other the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Agents, and Commissaries of their own appointment, whose functions shall be regulated by particular agreement whenever either party shall chuse to make such appointment; but if any such Consuls shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted in the same place.

Article XXVI.

All favors granted to another nation by one party shall become common to the other.

If either party shall hereafter grant to any other nation, any particular favour in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, or on yielding the compensation, where such nation does the same.

ARTICLE XXVII.

His Majesty the King of Prussia and the United States of America agree that this treaty shall be in force during the term of ten years from the exchange of ratifications; and if the expiration of that term should happen during the course of a war between them, then the articles before provided for the regulation of their conduct during such a war, shall continue in force until the conclusion of the treaty which shall re-establish peace; and that this treaty shall be ratified on both sides, and the ratifications exchanged within one year from the day of its signature.

Duration of the treaty.

In testimony whereof the Plenipotentiaries before mentioned, have hereto subscribed their names and affixed their seals, at the places of their respective residence, and at the dates expressed under their several signatures.

B. FRANKLIN. [L. S.]
Passy, July 9, 1785.
TH: JEFFERSON. [L. S.]
Paris, July 28, 1785.
JOHN ADAMS. [L. S.]
London, August 5, 1785.
F. G. DE THULEMEIER. [L. S.]
A la Haye le 10 *Septembre*, 1785.

PRUSSIA, 1799.

TREATY OF AMITY AND COMMERCE BETWEEN HIS MAJESTY THE KING OF PRUSSIA AND THE UNITED STATES OF AMERICA. CONCLUDED JULY 11, 1799; RATIFICATIONS EXCHANGED AT BERLIN JUNE 22, 1800; PROCLAIMED NOVEMBER 4, 1800.

[This treaty expired, by the limitation in Article XXVII, ten years after exchange of ratifications.]

His Majesty the King of Prussia and the United States of America, desiring to maintain upon a stable and permanent footing the connections of good understanding which have hitherto so happily subsisted between their respective States, and for this purpose to renew the treaty of amity and commerce concluded between the two Powers at the Hague the 10th of September, 1785, for the term of ten years, His Prussian Majesty has nominated and constituted as his Plenipotentiaries the Count Charles William de Finkenstein, his Minister of State, of War, and of the Cabinet, Knight of the Orders of the Black Eagle and of the Red Eagle, and Commander of that of St. John of Jerusalem, the Baron Philip Charles d'Alvensleben, his Minister of State, of War, and of the Cabinet, Knight of the Orders of the Black Eagle and of the Red Eagle, and of that of St. John of Jerusalem, and the Count Christian Henry Curt de Haugwitz, his Minister of State, of War, and of the Cabinet, Knight of the Orders of the Black Eagle and of the Red Eagle; and the President of the United States has furnished with their full powers John Quincy Adams, a citizen of the United States, and their Minister Plenipotentiary at the Court of His Prussian Majesty; which Plenipotentiaries, after having exchanged their full powers, found

in good and due form, have concluded, settled, and signed the following articles:

ARTICLE I.

Peace and friendship established.

There shall be in future, as there has been hitherto, a firm, inviolable, and universal peace and a sincere friendship between His Majesty the King of Prussia, his heirs, successors, and subjects, on the one part, and the United States of America and their citizens on the other, without exception of persons or places.

ARTICLE II.

Privileges of Prussian subjects trading to the United States.

The subjects of His Majesty the King of Prussia may frequent all the coasts and countries of the United States of America, and reside and trade there in all sorts of produce, manufactures, and merchandize, and shall pay there no other or greater duties, charges, or fees whatsoever than the most favoured nations are or shall be obliged to pay. They shall also enjoy in navigation and commerce all the rights, privileges, and exemptions which the most favoured nation does or shall enjoy, submitting themselves, nevertheless, to the established laws and usages to which are submitted the citizens of the United States and the most favoured nations.

ARTICLE III.

Commercial privileges.

In like manner, the citizens of the United States of America may frequent all the coasts and countries of His Majesty the King of Prussia, and reside and trade there in all sorts of produce, manufactures, and merchandize, and shall pay, in the dominions of his said Majesty, no other or greater duties, charges, or fees whatsoever than the most favoured nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce which the most favoured nation does or shall enjoy, submitting themselves, nevertheless, to the established laws and usages to which are submitted the subjects of His Majesty the King of Prussia and the subjects and citizens of the most favoured nations.

ARTICLE IV.

More especially, each party shall have a right to carry their own produce, manufactures, and merchandize, in their own or any other vessels, to any parts of the dominions of the other, where it shall be lawful for all the subjects and citizens of that other freely to purchase them, and thence to take the produce, manufactures, and merchandize of the other, which all the said citizens or subjects shall in like manner be free to sell to them, paying in both cases such duties, charges, and fees only, as are or shall be paid by the most favoured nation. Nevertheless, His Majesty the King of Prussia and the United States respectively reserve to themselves the right, where any nation restrains the transportation of merchandize to the vessells of the country of which it is the growth or manufacture, to establish against such nation retaliating regulations; and also the right to prohibit in their respective countries the importation and exportation of all merchandize whatsoever, when reasons of state shall require it. In this case the subjects or citizens of either of the contracting parties shall not import or export the merchandize prohibited by the other. But if one of the contracting parties permits any

other nation to import or export the same merchandize, the citizens or subjects of the other shall immediately enjoy the same liberty.

ARTICLE V.

The merchants, commanders of vessels, or other subjects or citizens of either party, shall not, within the ports or jurisdiction of the other, be forced to unload any sort of merchandize into any other vessels, nor to receive them into their own, nor to wait for their being loaded longer than they please.

ARTICLE VI.

That the vessels of either party, loading within the ports or jurisdiction of the other, may not be uselessly harassed, or detained, it is agreed, that all examinations of goods, required by the laws, shall be made before they are laden on board the vessel, and that there shall be no examination after; nor shall the vessel be searched at any time, unless articles shall have been laden therein clandestinely and illegally, in which case the person by whose order they were carried on board, or who carried them without order, shall be liable to the laws of the land in which he is, but no other person shall be molested, nor shall any other goods, nor the vessel, be seized or detained for that cause.

ARTICLE VII.

Protection of property within the jurisdiction of each party.

Each party shall endeavour by all the means in their power to protect and defend all vessels and other effects, belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction by sea or by land; and shall use all their efforts to recover and cause to be restored to the right owners their vessels and effects, which shall be taken from them within the extent of their said jurisdiction.

ARTICLE VIII.

Vessels coming on the coast or entering a port without wishing to break bulk.

The vessels of the subjects or citizens of either party, coming on any coast belonging to the other, but not willing to enter into port, or who entering into port are not willing to unload their cargoes or break bulk, shall have liberty to depart and to pursue their voyage without molestation, and without being obliged to render account of their cargo, or to pay any duties, charges, or fees whatsoever, except those established for vessels entered into port, and appropriated to the maintenance of the port itself, or of other establishments for the safety and convenience of navigators, which duties, charges, and fees shall be the same, and shall be paid on the same footing, as in the case of subjects or citizens of the country where they are established.

ARTICLE IX.

Shipwrecks.

When any vessel of either party shall be wrecked, foundered, or otherwise damaged, on the coasts or within the dominions of the other, their respective citizens or subjects shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case; and if the

operations of repair shall require that the whole or any part of the cargo be unladed, they shall pay no duties, charges, or fees on the part which they shall relade and carry away. The ancient and barbarous right to wrecks of the sea shall be entirely abolished with respect to the subjects or citizens of the two contracting parties.

ARTICLE X.

Alienation of personal estate.

The citizens or subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise, and their representatives, being subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods as would be taken of the goods of a native in like case, untill the lawfull owner may take measures for receiving them. And if question should arise among several claimants to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are.

Real estate within the dominions of one party falling upon the subjects of the other.

And where, on the death of any person, holding real estate, within the territories of the one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds, without molestation, and exempt from all rights of detraction on the part of the Government of the respective States. But this article shall not derogate in any manner from the force of the laws already published or hereafter to be published by his Majesty the King of Prussia, to prevent the emigration of his subjects.

ARTICLE XI.

Freedom of conscience, worship, &c.

The most perfect freedom of conscience and of worship is granted to the citizens or subjects of either party within the jurisdiction of the other, and no person shall be molested in that respect for any cause other than an insult on the religion of others. Moreover, when the subjects or citizens of the one party shall die within the jurisdiction of the other, their bodies shall be buried in the usual burying-grounds, or other decent and suitable places, and shall be protected from violation or disturbance.

ARTICLE XII.

Relative to the principle of free ships making free goods.

Experience having proved, that the principle adopted in the twelfth article of the treaty of 1785, according to which free ships make free goods, has not been sufficiently respected during the two last wars, and especially in that which still continues, the two contracting parties propose, after the return of a general peace, to agree, either separately between themselves or jointly with other Powers alike interested, to concert with the great maritime Powers of Europe such arrangements and such permanent principles as may serve to consolidate the liberty and the safety of the neutral navigation and commerce in future wars. And if in the interval either of the con-

tracting parties should be engaged in a war to which the other should remain neutral, the ships of war and privateers of the belligerent Power shall conduct themselves towards the merchant vessels of the neutral Power as favourably as the course of the war then existing may permit, observing the principles and rules of the law of nations generally acknowledged.

ARTICLE XIII.

Of contraband.

And in the same case of one of the contracting parties being engaged in war with any other Power, to prevent all the difficulties and misunderstandings that usually arise respecting merchandize of contraband, such as arms, ammunition, and military stores of every kind, no such articles carried in the vessels, or by the subjects or citizens of either party, to the enemies of the other, shall be deemed contraband, so as to induce confiscation or condemnation and a loss of property to individuals. Nevertheless, it shall be lawful to stop such vessels and articles, and to detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding, paying, however, a reasonable compensation for the loss such arrest shall occasion to the proprietors; and it shall further be allowed to use in the service of the captors the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But in the case supposed of a vessel stopped for articles of contraband, if the master of the vessel stopped will deliver out the goods supposed to be of contraband nature, he shall be admitted to do it, and the vessel shall not in that case be carried into any port, nor further detained, but shall be allowed to proceed on her voyage.

All cannons, mortars, fire-arms, pistols, bombs, grenades, bullets, balls, muskets, flints, matches, powder, saltpetre, sulphur, cuirasses, pikes, swords, belts, cartouch boxes, saddles and bridles, beyond the quantity necessary for the use of the ship, or beyond that which every man serving on board the vessel, or passenger, ought to have; and in general whatever is comprized under the denomination of arms and military stores, of what description soever, shall be deemed objects of contraband.

ARTICLE XIV.

Documents to be carried by vessels in time of war.

To ensure to the vessels of the two contracting parties the advantage of being readily and certainly known in time of war, it is agreed that they shall be provided with the sea-letters and documents hereafter specified:

1. A passport, expressing the name, the property, and the burthen of the vessel, as also the name and dwelling of the master, which passport shall be made out in good and due form, shall be renewed as often as the vessel shall return into port, and shall be exhibited whensoever required, as well in the open sea as in port. But if the vessel be under convoy of one or more vessels of war, belonging to the neutral party, the simple declaration of the officer commanding the convoy, that the said vessel belongs to the party of which he is, shall be considered as establishing the fact, and shall relieve both parties from the trouble of further examination.

2. A charter-party, that is to say, the contract passed for the freight of the whole vessel, or the bills of lading given for the cargo in detail.

3. The list of the ship's company, containing an indication by name and in detail of the persons composing the crew of the vessel. These

documents shall always be authenticated according to the forms established at the place from which the vessel shall have sailed.

As their production ought to be exacted only when one of the contracting parties shall be at war, and as their exhibition ought to have no other object than to prove the neutrality of the vessel, its cargo, and company, they shall not be deemed absolutely necessary on board such vessels belonging to the neutral party as shall have sailed from its ports before or within three months after the Government shall have been informed of the state of war in which the belligerent party shall be engaged. In the interval, in default of these specific documents, the neutrality of the vessel may be established by such other evidence as the tribunals authorised to judge of the case may deem sufficient.

ARTICLE XV.

Manner of visiting vessels not under convoy.

And to prevent entirely all disorder and violence in such cases, it is stipulated that, when the vessels of the neutral party, sailing without convoy, shall be met by any vessel of war, public or private, of the other party, such vessel of war shall not send more than two or three men in their boat on board the said neutral vessel to examine her passports and documents. And all persons belonging to any vessel of war, public or private, who shall molest or insult in any manner whatever, the people, vessels, or effects of the other party, shall be responsible in their persons and property for damages and interest, sufficient security for which shall be given by all commanders of private armed vessels before they are commissioned.

ARTICLE XVI.

Of embargoes.

In times of war, or in cases of urgent necessity, when either of the contracting parties shall be obliged to lay a general embargo, either in all its ports, or in certain particular places, the vessels of the other party shall be subject to this measure, upon the same footing as those of the most favoured nations, but without having the right to claim the exemption in their favour stipulated in the sixteenth article of the former treaty of 1785. But on the other hand, the proprietors of the vessels which shall have been detained, whether for some military expedition, or for what other use soever, shall obtain from the Government that shall have employed them an equitable indemnity, as well for the freight as for the loss occasioned by the delay. And furthermore, in all cases of seizure, detention, or arrest, for debts contracted or offences committed by any citizen or subject of the one party within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases.

Seizures, detentions, and arrests to be made in due course of law only.

ARTICLE XVII.

Salvage on recapture, when one of the Powers is neutral.

If any vessel or effects of the neutral Power be taken by an enemy of the other, or by a pirate, and retaken by the Power at war, they shall be restored to the first proprietor, upon the conditions hereafter stipulated in the twenty-first article for cases of recapture.

ARTICLE XVIII.

If the citizens or subjects of either party, in danger from tempests,

pirates, enemies, or other accidents, shall take refuge, with their vessels or effects, within the harbours or jurisdiction of the other, they shall be received, protected, and treated with humanity and kindness, and shall be permitted to furnish themselves, at reasonable prices, with all refreshments, provisions, and other things necessary for their sustenance, health, and accom[m]odation, and for the repair of their vessels.

Right of asylum.

ARTICLE XIX.

The vessels of war, public and private, of both parties, shall carry freely, wheresoever they please, the vessels and effects taken from their enemies, without being obliged to pay any duties, charges, or fees to officers of admiralty, of the customs, or any others; nor shall such prizes be arrested, searched, or put under legal process, when they come to and enter the ports of the other party, but may freely be carried out again at any time by their captors to the places expressed in their commissions, which the commanding officer of such vessel shall be obliged to shew. But, conformably to the treaties existing between the United States and Great Britain, no vessel that shall have made a prize upon British subjects shall have a right to shelter in the ports of the United States, but if forced therein by tempests, or any other danger or accident of the sea, they shall be obliged to depart as soon as possible.

Bringing in of prizes.

ARTICLE XX.

No citizen or subject of either of the contracting parties shall take from any Power with which the other may be at war any commission or letter of marque, for arming any vessel to act as a privateer against the other, on pain of being punished as a pirate; nor shall either party hire, lend, or give any part of its naval or military force to the enemy of the other, to aid them offensively or defensively against the other.

The subjects of one party shall not take letters of marque from the enemy of the other, &c.

ARTICLE XXI.

If the two contracting parties should be engaged in a war against a common enemy, the following points shall be observed between them:

Rules applicable to the prosecution of a common war.

1. If a vessel of one of the parties, taken by the enemy, shall, before being carried into a neutral or enemy's port, be retaken by a ship of war or privateer of the other, it shall, with the cargo, be restored to the first owners, for a compensation of one-eighth part of the value of the said vessel and cargo, if the recapture be made by a public ship of war, and one-sixth part, if made by a privateer.

2. The restitution in such cases shall be after due proof of property, and surety given for the part to which the recaptors are entitled.

3. The vessels of war, public and private, of the two parties, shall reciprocally be admitted with their prizes into the respective ports of each, but the said prizes shall not be discharged or sold there, until their legality shall have been decided according to the laws and regulations of the State to which the captor belongs, but by the judicatories of the place into which the prize shall have been conducted.

4. It shall be free to each party to make such regulations as they shall judge necessary, for the conduct of their respective vessels of war, public and private, relative to the vessels, which they shall take, and carry into the ports of the two parties.

ARTICLE XXII.

The ships of war of one party shall protect the vessels of the other

When the contracting parties shall have a common enemy, or shall both be neutral, the vessels of war of each shall upon all occasions take under their protection the vessels of the other going the same course, and shall defend such vessels as long as they hold the same course, against all force and violence, in the same manner as they ought to protect and defend vessels belonging to the party of which they are.

ARTICLE XXIII.

Regulations for softening the effects of war between the two parties.

If war should arise between the two contracting parties, the merchants of either country then residing in the other shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects without molestation or hindrance; and all women and children, scholars of every faculty, cultivators of the earth, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt or otherwise destroyed, nor their fields wasted by the armed force of the enemy, into whose power by the events of war they may happen to fall; but if anything is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price.

ARTICLE XXIV.

And to prevent the destruction of prisoners of war, by sending them into distant and inclement countries, or by crowding them into close and noxious places, the two contracting parties solemnly pledge themselves to the world and to each other that they will not adopt any such practice; that neither will send the prisoners whom they may take from the other into the East Indies or any other parts of Asia or Africa, but that they shall be placed in some parts of their dominions in Europe or America, in wholesome situations; that they shall not be confined in dungeons, prison-ships, nor prisons, nor be put into irons, nor bound, nor otherwise restrained in the use of their limbs; that the officers shall be enlarged on their paroles within convenient districts, and have comfortable quarters, and the common men be disposed in cantonments open and extensive enough for air and exercise, and lodged in barracks as roomly and good as are provided by the party in whose power they are for their own troops; that the officers shall also be daily furnished by the party in whose power they are with as many rations, and of the same articles and quality as are allowed by them, either in kind or by commutation, to officers of equal rank in their own army; and all others shall be daily furnished by them with such ration as they shall allow to a common soldier in their own service; the value whereof shall be paid by the other party on a mutual adjustment of accounts for the subsistence of prisoners at the close of the war; and the said accounts shall not be mingled with or set off against any others, nor the balances due on them be withheld as a satisfaction or reprizal for any other article or for any other cause, real or pretended, whatever. That each party shall be allowed to keep a commissary of prisoners of their own appoint-

ment, with every separate cantonment of prisoners in possession of the other, which commissary shall see the prisoners as often as he pleases, shall be allowed to receive and distribute whatever comforts may be sent to them by their friends, and shall be free to make his reports in open letters to those who employ him; but if any officer shall break his parole, or any other prisoner shall escape from the limits of his cantonment after they shall have been designated to him, such individual officer or other prisoner shall forfeit so much of the benefit of this article as provides for his enlargement on parole or cantonment. And it is declared, that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending this and the next preceding article; but, on the contrary, that the state of war is precisely that for which they are provided, and during which they are to be as sacredly observed as the most acknowledged articles in the law of nature and nations.

ARTICLE XXV.

The two contracting parties have granted to each other the liberty of having each in the ports of the other Consuls, Vice-Consuls, Agents, and Commissaries of their own appointment, who shall enjoy the same privileges and powers as those of the most favoured nations; but if any such Consuls shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted in the same place.

Consuls, &c., allowed to reside in the dominions of the two parties.

ARTICLE XXVI.

If either party shall hereafter grant to any other nation any particular favour in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation, when the grant is conditional.

Favours granted to others to be extended to the parties.

ARTICLE XXVII.

His Majesty the King of Prussia and the United States of America agree that this treaty shall be in force during the term of ten years from the exchange of the ratifications; and if the expiration of that term should happen during the course of a war between them, then the articles before provided for the regulation of their conduct during such a war shall continue in force until the conclusion of the treaty which shall restore peace.

Limitation of the treaty.

This treaty shall be ratified on both sides, and the ratifications exchanged within one year from the day of its signature, or sooner if possible.

In testimony whereof, the Plenipotentiaries before mentioned have hereto subscribed their names and affixed their seals. Done at Berlin, the eleventh of July, in the year one thousand seven hundred and ninety-nine.

JOHN QUINCY ADAMS. [L. S.]
CHARLES WILLIAM COMTE DE FINKENSTEIN. [L. S.]
PHILIPPE CHARLES D'ALVENSLEVEN. [L. S.]
CHRETIEN HENRI CURCE COMTE DE HAUGWIZ. [L. S.]

PRUSSIA, 1828.

TREATY OF COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF PRUSSIA. CONCLUDED MAY 1, 1828; RATIFICATIONS EXCHANGED MARCH 14, 1829; PROCLAIMED MARCH 14, 1829.

The United States of America and His Majesty the King of Prussia, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective States, of extending, also, and consolidating the commercial intercourse between them, and convinced that this object cannot better be accomplished than by adopting the system of an entire freedom of navigation, and a perfect reciprocity, based upon principles of equity equally beneficial to both countries, and applicable in time of peace as well as in time of war, have, in consequence, agreed to enter into negotiations for the conclusion of a treaty of navigation and commerce; for which purpose the President of the United States has conferred full powers on Henry Clay, their Secretary of State; and His Majesty the King of Prussia has conferred like powers on the Sieur Ludwig Niederstetter, Chargé d'Affaires of His said Majesty near the United States; and the said Plenipotentiaries, having exchanged their said full powers, found in good and due form, have concluded and signed the following articles:

Object.

ARTICLE I.

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs; and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing.

Reciprocal liberty of commerce.

ARTICLE II.

Prussian vessels arriving either laden or in ballast in the ports of the United States of America, and, reciprocally, vessels of the United States arriving either laden or in ballast in the ports of the Kingdom of Prussia, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, light-houses, pilotage, salvage, and port charges, as well as to the fees and perquisites of public officers, and all other duties and charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishment whatsoever.

Freedom of navigation, and reciprocity.

ARTICLE III.

All kind of merchandise and articles of commerce, either the produce of the soil or the industry of the United States of America, or of any other country, which may be lawfully imported into the ports of the Kingdom of Prussia, in Prussian ves-

Articles of commerce to pay the same duties, in vessels of either nation.

sels, may also be so imported in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in Prussian vessels. And, reciprocally, all kind of merchandise and articles of commerce, either the produce of the soil or of the industry of the Kingdom of Prussia, or of any other country, which may be lawfully imported into the ports of the United States in vessels of the said States, may also be so imported in Prussian vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in vessels of the United States of America.

ARTICLE IV.

The above provision further explained.

To prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the two preceding articles are to their full extent applicable to Prussian vessels and their cargoes arriving in the ports of the United States of America, and, reciprocally, to vessels of the said States and their cargoes, arriving in the ports of the Kingdom of Prussia, whether the said vessels clear directly from the ports of the country to which they respectively belong, or from the ports of any other foreign country.

ARTICLE V.

Produce of the parties put on the most favorable footing.

No higher or other duties shall be imposed on the importation into the United States of any article the produce or manufacture of Prussia, and no higher or other duties shall be imposed on the importation into the Kingdom of Prussia of any article the produce or manufacture of the United States, than are or shall be payable on the like article being the produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation or exportation of any article the produce or manufacture of the United States, or of Prussia, to or from the ports of the United States, or to or from the ports of Prussia, which shall not equally extend to all other nations.

ARTICLE VI.

Vessels of the parties put on the same footing, as to exportations.

All kind of merchandise and articles of commerce, either the produce of the soil or of the industry of the United States of America, or of any other country, which may be lawfully exported from the ports of the said United States in national vessels, may also be exported therefrom in Prussian vessels without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported in vessels of the United States of America.

An exact reciprocity shall be observed in the ports of the Kingdom of Prussia, so that all kind of merchandise and articles of commerce, either the produce of the soil or the industry of the said Kingdom, or of any other country, which may be lawfully exported from Prussian ports

in national vessels, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties or charges of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported in Prussian vessels.

ARTICLE VII.

Coastwise navigation excepted.

The preceding articles are not applicable to the coastwise navigation of the two countries, which is respectively reserved by each of the high contracting parties exclusively to itself.

ARTICLE VIII.

Neither party to give any preference to goods on account of the importing bottom.

No priority or preference shall be given, directly or indirectly, by either of the contracting parties, nor by any company, corporation, or agent, acting on their behalf or under their authority, in the purchase of any article of commerce, lawfully imported, on account of or in reference to the character of the vessel, whether it be of the one party or of the other, in which such article was imported; it being the true intent and meaning of the contracting parties that no distinction or difference whatever shall be made in this respect.

ARTICLE IX.

Prospective provision for maintaining the most favored footing.

If either party shall hereafter grant to any other nation any particular favor in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation, when the grant is conditional.

ARTICLE X.

Consuls, &c.

The two contracting parties have granted to each other the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Agents, and Commissaries of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations. But if any such Consul shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted, in the same place.

Jurisdiction of Consuls, &c.

The Consuls, Vice-Consuls, and Commercial Agents shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country, or the said Consuls, Vice-Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood, that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

ARTICLE XI.

The said Consuls, Vice-Consuls, and Commercial Agents are author-

ised to require the assistance of the local authorities, for the search, arrest, and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall in writing demand said deserters, proving, by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and, on this reclamation being thus substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belonged, or to others of the same country. But if not sent back within three months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

Consuls, &c., may require the aid of the local authorities.

ARTICLE XII.

The twelfth article of the treaty of amity and commerce, concluded between the parties in 1785, and the articles from the thirteenth to the twenty-fourth, inclusive, of that which was concluded at Berlin in 1799, with the exception of the last paragraph in the nineteenth article, relating to treaties with Great Britain, are hereby revived with the same force and virtue as if they made part of the context of the present treaty, it being, however, understood that the stipulations contained in the articles thus revived shall be always considered as in no manner affecting the treaties or conventions concluded by either party with other Powers, during the interval between the expiration of the said treaty of 1799, and the commencement of the operation of the present treaty.

Certain stipulations in former treaties revived.

The parties being still desirous, in conformity with their intention declared in the twelfth article of the said treaty of 1799, to establish between themselves, or in concert with other maritime Powers, further provisions to ensure just protection and freedom to neutral navigation and commerce, and which may, at the same time, advance the cause of civilization and humanity, engage again to treat on this subject at some future and convenient period.

Security of neutral navigation to be the subject of future treaty.

ARTICLE XIII.

Considering the remoteness of the respective countries of the two high contracting parties, and the uncertainty resulting therefrom, with respect to the various events which may take place, it is agreed that a merchant vessel belonging to either of them, which may be bound to a port supposed at the time of its departure to be blockaded, shall not, however, be captured or condemned for having attempted a first time to enter said port, unless it can be proved that said vessel could and ought to have learnt, during its voyage, that the blockade of the place in question still continued. But all vessels which, after having been warned off once shall, during the same voyage, attempt a second time to enter the same blockaded port, during the continuance of the said blockade, shall then subject themselves to be detained and condemned.

Vessels entering blockaded ports.

ARTICLE XIV.

Provisions as to personal property of citizens, &c.

The citizens or subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise; and their representatives, being citizens or subjects of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods as would be taken of the goods of a native, in like case, until the lawful owner may take measures for receiving them. And if question should arise among several claimants to which of them said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of the one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation and exempt from all duties of detraction, on the part of the Government of the respective States. But this article shall not derogate in any manner from the force of the laws already published, or hereafter to be published by His Majesty the King of Prussia, to prevent the emigration of his subjects.

ARTICLE XV.

Duration of treaty.

The present treaty shall continue in force for twelve years, counting from the day of the exchange of the ratifications; and if twelve months before the expiration of that period, neither of the high contracting parties shall have announced, by an official notification to the other, its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on until the expiration of the twelve months, which will follow a similar notification, whatever the time at which it may take place.

ARTICLE XVI.

This treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Prussia, and the ratifications shall be exchanged in the city of Washington, within nine months from the date of the signature hereof, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the above articles, both in the French and English languages, and they have thereto affixed their seals; declaring, nevertheless, that the signing in both languages shall not be brought into precedent, nor in any way operate to the prejudice of either party.

Done in triplicate at the city of Washington on the first day of May, in the year of our Lord one thousand eight hundred and twenty-eight, and the fifty-second of the Independence of the United States of America.

H. CLAY. [L. S.]
LUDWIG NIEDERSTETTER. [L. S.]

PRUSSIA AND OTHER STATES, 1852.

CONVENTION WITH PRUSSIA AND OTHER STATES OF THE GERMANIC CONFEDERATION, FOR THE MUTUAL DELIVERY OF CRIMINALS FUGITIVES FROM JUSTICE IN CERTAIN CASES. CONCLUDED JUNE 16, 1852; RATIFICATIONS EXCHANGED MAY 30, 1853; PROCLAIMED JUNE 1, 1853.

Preamble.

Whereas it is found expedient, for the better administration of justice and the prevention of crime within the territories and jurisdiction of the parties respectively, that persons committing certain heinous crimes, being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, and also to enumerate such crimes explicitly; and whereas the laws and constitution of Prussia, and of the other German States, parties to this convention, forbid them to surrender their own citizens to a foreign jurisdiction, the Government of the United States, with a view of making the convention strictly reciprocal, shall be held equally free from any obligation to surrender citizens of the United States: Therefore, on the one part, the United States of America, and, on the other part, His Majesty the King of Prussia, in his own name, as well as in the name of His Majesty the King of Saxony, His Royal Highness the Elector of Hesse, His Royal Highness the Grand Duke of Hesse and on Rhine, His Royal Highness the Grand Duke of Saxe-Weimar-Eisenach, His Highness the Duke of Saxe-Meiningen, His Highness the Duke of Saxe-Altenburg, His Highness the Duke of Saxe-Coburg-Gotha, His Highness the Duke of Brunswick, His Highness the Duke of Anhalt-Dessau, His Highness the Duke of Anhalt-Bernburg, His Highness the Duke of Nassau, His Serene Highness the Prince Schwarzburg-Rudolstadt, His Serene Highness the Prince of Schwarzburg-Sondershausen, Her Serene Highness the Princess and Regent of Waldeck, His Serene Highness the Prince of Reuss, elder branch, His Serene Highness the Prince of Reuss, junior branch, His Serene Highness the Prince of Lippe, His Serene Highness the Landgrave of Hesse-Homburg, as well as the free city of Francfort, having resolved to treat on this subject, have for that purpose appointed their respective Plenipotentiaries to negotiate and conclude a convention, that is to say:

Parties.

Negotiators.

The President of the United States of America, Daniel Webster, Secretary of State, and His Majesty the King of Prussia in his own name, as well as in the name of the other German Sovereigns above enumerated, and the free city of Francfort, Frederic Charles Joseph von Gerolt, his said Majesty's Minister Resident near the Government of the United States;

Who, after reciprocal communication of their respective powers, have agreed to and signed the following articles:

ARTICLE I.

Persons charged with certain crimes to be mutually surrendered.

It is agreed that the United States and Prussia, and the other States of the Germanic Confederation included in or which may hereafter accede to this convention, shall, upon mutual requisitions by them or their ministers, officers, or authorities, respectively made, deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged papers, or the fabrication or circulation of counterfeit money, whether coin or paper money, or the embezzlement of public moneys committed with-

in the jurisdiction of either party, shall seek an asylum, or shall be found within the territories of the other: *Provided*, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offence had there been committed; and the respective judges and other magistrates of the two Governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

Proceedings before surrender.

ARTICLE II.

The stipulations of this convention shall be applied to any other State of the Germanic Confederation which may hereafter declare its accession thereto.

Other States may accede hereto.

ARTICLE III.

None of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.

No State to surrender its own citizens.

ARTICLE IV.

Whenever any person accused of any of the crimes enumerated in this convention shall have committed a new crime in the territories of the State where he has sought an asylum, or shall be found, such person shall not be delivered up under the stipulations of this convention until he shall have been tried, and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

No surrender to be made till the provision where the person demanded has committed crimes in the State where he is found.

ARTICLE V.

The present convention shall continue in force until the 1st of January, 1858, and if neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention; each of the high contracting parties reserving to itself the right of giving such notice to the other, at any time after the expiration of the said first day of January, 1858.

Limitation of this treaty.

ARTICLE VI.

The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by the Government of Prussia, and the ratifi-

Ratifications.

cations shall be exchanged at Washington within six months from the date hereof, or sooner if possible.

In faith whereof we, the respective Plenipotentiaries, have signed this convention, and have hereunto affixed our seals.

Done in triplicate at Washington, the sixteenth day of June, one thousand eight hundred and fifty-two, and the seventy-sixth year of the Independence of the United States.

DAN'L WEBSTER. [L. S.]
FR. v. GEROLT. [L. S.]

ADDITIONAL ARTICLE TO THE CONVENTION OF JUNE 16, 1852, BETWEEN THE UNITED STATES ON THE ONE PART, AND PRUSSIA AND OTHER STATES OF THE GERMANIC CONFEDERATION ON THE OTHER PART, FOR THE MUTUAL DELIVERY OF CRIMINALS FUGITIVES FROM JUSTICE IN CERTAIN CASES. CONCLUDED NOVEMBER 16, 1852; RATIFICATIONS EXCHANGED MAY 30, 1853; PROCLAIMED JUNE 1, 1853.

Whereas it may not be practicable for the ratifications of the convention for the mutual delivery of criminals, fugitives from justice, in certain cases, between the United States and Prussia and other States of the Germanic Confederation, signed at Washington on the 16th day of June, 1852, to be exchanged within the time stipulated in said convention; and whereas both parties are desirous that it should be carried into full and complete effect: The President of the United States of America has fully empowered on his part Edward Everett, Secretary of State of the United States, and His Majesty the King of Prussia, in his own name, as well as in the name of the other German sovereigns enumerated in the aforesaid convention, has likewise fully empowered Frederick Charles Joseph von Gerolt, his said Majesty's Minister Resident near the Government of the United States; who have agreed to and signed the following article:

The ratifications of the convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded on the 16th of June, 1852, shall be exchanged at Washington within one year from the date of this agreement, or sooner should it be possible.

Time for ratification extended.

The present additional article shall have the same force and effect as if it had been inserted, word for word, in the aforesaid convention of the 16th of June, 1852, and shall be approved and ratified in the manner therein prescribed.

In faith whereof we, the respective Plenipotentiaries, have signed this agreement, and have hereunto affixed our seals.

Done at Washington this sixteenth day of November, one thousand eight hundred and fifty-two, and the seventy-seventh year of the Independence of the United States.

EDWARD EVERETT. [L. S.]
FR. v. GEROLT. [L. S.]

By the President of the United States of America. June 16, 1852.

A PROCLAMATION.

Whereas it is provided by the second article of the convention of the 16th of June, 1852, between the United States and Prussia and other

States of the Germanic Confederation, for the mutual delivery of criminals, fugitives from justice, in certain cases, that the stipulations of that convention shall be applied to any other State of the Germanic Confederation which might thereafter declare its accession thereto;

Bremen.

And whereas the Free Hanseatic city of Bremen has declared its accession to the said convention, and the exchange of the said declaration for my acceptance of the same was made at Washington on the 14th instant, by Rudolph Schleiden, Minister Resident of the said Free Hanseatic city of Bremen, and William L. Marcy, Secretary of State of the United States, on behalf of their respective governments:

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, have caused this information to be made public, in order that the stipulations of the said convention may be observed and fulfilled with good faith in respect to the Free Hanseatic city of Bremen by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at Washington the fifteenth day of October, in the year of our Lord one thousand eight hundred and fifty-three, and of the Independence of the United States the seventy-eighth.

[L. S.] FRANKLIN PIERCE.

By the President:

W. L. MARCY, *Secretary of State.*

[Notice of the accession of the Governments of Mecklenburg-Schwerin, Mecklenburg-Strelitz, Oldenburg, Schaumburg-Lippe, and Würtemburg to the foregoing convention of June 16, 1852, with Prussia and other States of the Germanic Confederation, and to the additional article thereto of November 16, 1852, with the date of such accession, and that of the proclamation of the fact by the President, will be found under the names of the respective States in their alphabetical order.]

RUSSIA.

RUSSIA, 1824.

CONVENTION* BETWEEN THE UNITED STATES OF AMERICA AND RUSSIA, RELATIVE TO NAVIGATING, FISHING, &c., IN THE PACIFIC OCEAN. CONCLUDED APRIL 5-17, 1824; RATIFICATIONS EXCHANGED DECEMBER 30, 1824, JANUARY 11, 1825; PROCLAIMED JANUARY 12, 1825.

In the name of the Most Holy and Indivisible Trinity.

The President of the United States of America and His Majesty the Emperor of all the Russias, wishing to cement the bonds of amity which unite them, and to secure between them the invariable maintenance of a perfect concord, by means of the present convention, have named as their Plenipotentiaries to this effect, to wit:

The President of the United States of America, Henry Middleton, a citizen of said States, and their Envoy Extraordinary and Minister Plenipotentiary near his Imperial Majesty; and His Majesty the Emperor of all the Russias, his beloved and faithful Charles Robert Count of Nesselrode, actual Privy Counsellor, Member of the Council of State, Secretary of State directing the administration of Foreign Affairs, actual Chamberlain, Knight of the Order of St. Alexander Nevsky, Grand Cross of the Order of St. Wladimir of the first class, Knight of that of the White Eagle of Poland, Grand Cross of the Order of St. Stephen of Hungary, Knight of the Orders of the Holy Ghost and of St. Michael, and Grand Cross of the Legion of Honor of France, Knight Grand Cross of the Orders of the Black and of the Red Eagle of Prussia, of the Annunciation of Sardinia, of Charles III of Spain, of St. Ferdinand and of Merit of Naples, of the Elephant of Denmark, of the Polar Star of Sweden, of the Crown of Würtemberg, of the Guelphs of Hanover, of the Belgic Lion, of Fidelity of Baden, and of St. Constantine of Parma; and Pierre de Poletica, actual Counsellor of State, Knight of the Order of St. Anne of the first class, and Grand Cross of the Order of St. Wladimir of the second;

Who, after having exchanged their full powers, found in good and due form have agreed upon and signed the following stipulations:

ARTICLE I.

It is agreed that, in any part of the Great Ocean, commonly called the Pacific Ocean, or South Sea, the respective citizens or subjects of the high contracting Powers shall be neither disturbed nor restrained, either in navigation or in fishing, or in the power of resorting to the coasts, upon points which may not already have been occupied, for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following articles.

Navigation and fisheries of the Pacific.

ARTICLE II.

With a view of preventing the rights of navigation and of fishing exer-

* Translation from the original, which is in the French language.

Illicit trade.

cised upon the Great Ocean by the citizens and subjects of the high contracting Powers from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort to any point where there is a Russian establishment, without the permission of the governor or commander; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the Northwest coast.

ARTICLE III.

Establishments to be formed by citizens of the United States or Russia.

It is moreover agreed that, hereafter, there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the Northwest coast of America, nor in any of the islands adjacent, to the north of fifty-four degrees and forty minutes of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel.

ARTICLE IV.

Interior seas.

It is, nevertheless, understood that during a term of ten years, counting from the signature of the present convention, the ships of both Powers, or which belong to their citizens or subjects respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks, upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country.

ARTICLE V.

Articles to be excepted from this commerce.

All spirituous liquors, fire-arms, other arms, powder, and munitions of war of every kind, are always excepted from this same commerce permitted by the preceding article; and the two Powers engage, reciprocally, neither to sell, nor suffer them to be sold, to the natives by their respective citizens and subjects, nor by any person who may be under their authority. It is likewise stipulated that this restriction shall never afford a pretext, nor be advanced, in any case, to authorize either search or detention of the vessels, seizure of the merchandize, or, in fine, any measures of constraint whatever towards the merchants or the crews who may carry on this commerce; the high contracting Powers reciprocally reserving to themselves to determine upon the penalties to be incurred, and to inflict the punishments in case of the contravention of this article by their respective citizens or subjects.

ARTICLE VI.

Ratifications.

When this convention shall have been duly ratified by the President of the United States, with the advice and consent of the Senate, on the one part, and, on the other, by His Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington in the space of ten months from the date below, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

Done at St. Petersburg the 17–5 April, of the year of Grace one thousand eight hundred and twenty-four.

HENRY MIDDLETON. [L. S.]
Le Comte CHARLES DE NESSELRODE. [L. S.]
PIERRE DE POLETICA. [L. S.]

RUSSIA, 1832.

TREATY OF COMMERCE AND NAVIGATION WITH RUSSIA. CONCLUDED DECEMBER 6-18, 1832; RATIFICATIONS EXCHANGED MAY 11, 1833; PROCLAIMED MAY 11, 1833.

In the name of the most Holy and Indivisible Trinity.

The United States of America and His Majesty the Emperor of all the Russias, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective States, and of extending and consolidating the commercial intercourse between them, have agreed to enter into negotiations for the conclusion of a treaty of navigation and commerce; for which purpose the President of the United States has conferred full powers on James Buchanan, their Envoy Extraordinary and Minister Plenipotentiary near His Imperial Majesty; and His Majesty the Emperor of all the Russias has conferred like powers on the Sieur Charles Robert Count de Nesselrode, his Vice Chancellor, Knight of the Orders of Russia, and of many others, &c.;

And the said Plenipotentiaries, having exchanged their full powers, found in good and due form, have concluded and signed the following articles:

ARTICLE I.

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs; and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

Commerce and navigation.

ARTICLE II.

Russian vessels arriving either laden or in ballast in the ports of the United States of America, and reciprocally vessels of the United States arriving either laden or in ballast in the ports of the Empire of Russia, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage. In regard to light-house duties, pilotage, and port charges, as well as to the fees and perquisites of public officers, and all other duties and charges, of whatever kind or denomination, levied upon vessels of commerce, in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, the high contracting parties shall reciprocally treat each other upon the footing of the most favored nations with whom they have not treaties now actually in force, regulating the said duties and charges on the basis of an entire reciprocity.

Tonnage duties.

ARTICLE III.

Imported merchandise.

All kind of merchandise and articles of commerce, which may be lawfully imported into the ports of the Empire of Russia in Russian vessels, may also be so imported in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce had been imported in Russian vessels. And, reciprocally, all kind of merchandise and articles of commerce, which may be lawfully imported into the ports of the United States of America in vessels of the said States, may also be so imported in Russian vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce had been imported in vessels of the United States of America.

ARTICLE IV.

The same rule to obtain, whether arriving from their own or from foreign ports.

It is understood that the stipulations contained in the two preceding articles are to their full extent applicable to Russian vessels and their cargoes arriving in the ports of the United States of America, and reciprocally to vessels of the said States and their cargoes arriving in the ports of the Empire of Russia, whether the said vessels clear directly from the ports of the country to which they respectively belong or from the ports of any other foreign country.

ARTICLE V.

Exported merchandise.

All kind of merchandise and articles of commerce, which may be lawfully exported from the ports of the United States of America in national vessels, may also be exported therefrom in Russian vessels without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce had been exported in vessels of the United States of America. And, reciprocally, all kind of merchandise and articles of commerce, which may be lawfully exported from the ports of the Empire of Russia in national vessels, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce had been exported in Russian vessels.

ARTICLE VI.

Duties imposed.

No higher or other duties shall be imposed on the importation into the United States of any article the produce or manufacture of Russia, and no higher or other duties shall be imposed on the importation into the Empire of Russia of any article the produce or manufacture of the United States, than are or shall be payable on the like article being the produce or manufacture of any other foreign

country. Nor shall any prohibition be imposed on the importation or exportation of any article the produce or manufacture of the United States or of Russia, to or from the ports of the United States, or to or from the ports of the Russian Empire, which shall not equally extend to all other nations.

Prohibitions shall be general.

ARTICLE VII.

It is expressly understood that the preceding articles II, III, IV, V, and VI, shall not be applicable to the coastwise navigation of either of the two countries, which each of the high contracting parties reserves exclusively to itself.

Coasting trade excepted.

ARTICLE VIII.

The two contracting parties shall have the liberty of having in their respective ports Consuls, Vice-Consuls, Agents, and Commissaries, of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations; but if any such Consul shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted, in the same place.

Consuls.

The Consuls, Vice-Consuls, and Commercial Agents shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or the tranquillity of the country, or the said Consuls, Vice-Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

ARTICLE IX.

The said Consuls, Vice-Consuls, and Commercial Agents are authorized to require the assistance of the local authorities, for the search, arrest, detention and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges and officers, and shall in writing demand said deserters, proving, by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and this reclamation being thus substantiated, the surrender shall not be refused.

Deserters.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belong, or sent back to their own country by a vessel of the same nation or any other vessel whatsoever. But if not sent back within four months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

However, if the deserter should be found to have committed any

crime or offence, his surrender may be delayed until the tribunal before which his case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

ARTICLE X.

Personal estate.

The citizens and subjects of each of the high contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise, and their representatives, being citizens or subjects of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same at will, paying to the profit of the respective Governments such dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And in case of the absence of the representatives, such care shall be taken of the said goods as would be taken of the goods of a native of the same country in like case, until the lawful owner may take measures for receiving them. And if a question should arise among several claimants as to which of them said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate, within the territories of one of the high contracting parties, such real estate would by the laws of the land descend on a citizen or subject of the other party, who by reason of alienage may be incapable of holding it, he shall be allowed the time fixed by the laws of the country; and in case the laws of the country actually in force may not have fixed any such time, he shall then be allowed a reasonable time to sell such real estate, and to withdraw and export the proceeds without molestation, and without paying to the profit of the respective Governments any other dues than those to which the inhabitants of the country wherein said real estate is situated shall be subject to pay in like cases. But this article shall not derogate in any manner from the force of the laws already published, or which may hereafter be published, by His Majesty the Emperor of all the Russias, to prevent the emigration of his subjects.

ARTICLE XI.

Favors granted.

If either party shall hereafter grant to any other nation any particular favor in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation, when the grant is conditional.

ARTICLE XII.

Treaty to extend to Poland, and to continue in force until 1st January, 1839.

The present treaty, of which the effect shall extend in like manner to the Kingdom of Poland, so far as the same may be applicable thereto, shall continue in force until the first day of January, in the year of our Lord one thousand eight hundred and thirty-nine, and if, one year before that day, one of the high contracting parties shall not have announced to the other, by an official notification, its intention to arrest the operation thereof, this treaty shall remain obligatory one year beyond that day, and so on until the expiration of the year which shall commence after the date of a similar notification.

ARTICLE XIII.

The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said States, and by His Majesty the Emperor of all the Russias, and the ratifications shall be exchanged in the city of Washington within the space of one year, or sooner if possible. Ratifications.

In faith whereof the respective Plenipotentiaries have signed the present treaty in duplicate, and affixed thereto the seal of their arms. Done at St. Petersburg the sixth (eighteenth) December, in the year of Grace one thousand eight hundred and thirty-two.

JAMES BUCHANAN. [L. S.]
CHARLES COMTE DE NESSELRODE. [L. S.]

SEPARATE ARTICLE.

Certain relations of proximity and anterior engagements having rendered it necessary for the Imperial Government to regulate the commercial relations of Russia with Prussia and the Kingdoms of Sweden and Norway by special stipulations, now actually in force, and which may be renewed hereafter; which stipulations are in no manner connected with the existing regulations for foreign commerce in general: The two high contracting parties, wishing to remove from their commercial relations every kind of ambiguity or subject of discussion, have agreed that the special stipulations granted to the commerce of Prussia, and of Sweden and Norway, in consideration of equivalent advantages granted in these countries, by the one to the commerce of the Kingdom of Poland, and by the other to that of the Grand Dutchy of Finland, shall not, in any case, be invoked in favor of the relations of commerce and navigation sanctioned between the two high contracting parties by the present treaty. Special stipulations.

The present separate article shall have the same force and value as if it were inserted, word for word, in the treaty signed this day, and shall be ratified at the same time.

In faith whereof we, the undersigned, by virtue of our respective full powers, have signed the present separate article, and affixed thereto the seals of our arms.

Done at St. Petersburg the sixth (eighteenth) of December, in the year of Grace one thousand eight hundred and thirty-two.

JAMES BUCHANAN. [L. S.]
CHARLES COMTE DE NESSELRODE. [L. S.]

RUSSIA, 1854.

CONVENTION WITH RUSSIA, RELATIVE TO THE RIGHTS OF NEUTRALS AT SEA. CONCLUDED JULY 22, 1854; RATIFICATIONS EXCHANGED OCTOBER 31, 1854; PROCLAIMED NOVEMBER 1, 1854.

The United States of America and His Majesty the Emperor of all the Russias, equally animated with a desire to maintain, and to preserve from all harm, the relations of good understanding Preamble.

which have at all times so happily subsisted between themselves, as also between the inhabitants of their respective States, have mutually agreed to perpetuate, by means of a formal convention, the principles of the right of neutrals at sea, which they recognize as indispensable conditions of all freedom of navigation and maritime trade. For this purpose the President of the United States has conferred full powers on William L. Marcy, Secretary of State of the United States; and His Majesty the Emperor of all the Russias has conferred like powers on Mr. Edward de Stoeckl, Counsellor of State, Knight of the Orders of Ste. Anne of the 2d class, of St. Stanislas of the 4th class, and of the Iron Crown of Austria of the 3d class, His Majesty's Chargé d'Affaires near the Government of the United States of America;

Negotiators.

And said Plenipotentiaries, after having exchanged their full powers, found in good and due form, have concluded and signed the following articles:

ARTICLE I.

The two high contracting parties recognize as permanent and immutable the following principles, to wit:

1st. That free ships make free goods; that is to say, that the effects or goods belonging to subjects or citizens of a Power or State at war are free from capture and confiscation when found on board of neutral vessels, with the exception of articles contraband of war.

Free ships to make free goods.

2d. That the property of neutrals on board an enemy's vessel is not subject to confiscation, unless the same be contraband of war. They engage to apply these principles to the commerce and navigation of all such Powers and States as shall consent to adopt them on their part as permanent and immutable.

Neutral property.

ARTICLE II.

The two high contracting parties reserve themselves to come to an ulterior understanding as circumstances may require, with regard to the application and extension to be given, if there be any cause for it, to the principles laid down in the 1st article. But they declare from this time that they will take the stipulations contained in said article 1st as a rule, whenever it shall become a question to judge of the rights of neutrality.

An ulterior understanding as to details.

ARTICLE III.

It is agreed by the high contracting parties that all nations which shall or may consent to accede to the rules of the first article of this convention, by a formal declaration stipulating to observe them, shall enjoy the rights resulting from such accession as they shall be enjoyed and observed by the two Powers signing this convention. They shall mutually communicate to each other the results of the steps which may be taken on the subject.

Other nations may accede to this treaty.

ARTICLE IV.

The present convention shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of said States, and by His Majesty the Emperor of all the Russias, and the ratifications of the

Ratifications.

same shall be exchanged at Washington, within the period of ten months, counting from this day, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the present convention in duplicate, and thereto affixed the seal of their arms.

Done at Washington the twenty-second day of July, the year of Grace, 1854.

W. L. MARCY. [L. S.]
EDOUARD STOECKL. [L. S.]

RUSSIA, 1867.

CONVENTION FOR THE CESSION OF THE RUSSIAN POSSESSIONS IN NORTH AMERICA TO THE UNITED STATES. CONCLUDED MARCH 30, 1867; RATIFICATIONS EXCHANGED JUNE 20, 1867; PROCLAIMED JUNE 20, 1867.

The United States of America and His Majesty the Emperor of all the Russias, being desirous of strengthening, if possible, the good understanding which exists between them, have, for that purpose, appointed as their Plenipotentiaries, the President of the United States, William H. Seward, Secretary of State; and His Majesty the Emperor of all the Russias, the Privy Counsellor Edward de Stoeckl, his Envoy Extraordinary and Minister Plenipotentiary to the United States; Contracting Powers.

And the said Plenipotentiaries, having exchanged their full powers, which were found to be in due form, have agreed upon and signed the following articles:

ARTICLE I.

His Majesty the Emperor of all the Russias agrees to cede to the United States, by this convention, immediately upon the exchange of the ratifications thereof, all the territory and dominion now possessed by his said Majesty on the continent of America and in the adjacent islands, the same being contained within the geographical limits herein set forth, to wit: The eastern limit is the line of demarcation between the Russian and the British possessions in North America, as established by the convention between Russia and Great Britain, of February 28–16, 1825, and described in Articles III and IV of said convention, in the following terms: Cession of territory. Boundaries.

"Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131st and 133d degree of west longitude, (meridian of Greenwich,) the said line shall ascend to the north along the channel called Portland Channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast, as far as the point of intersection of the 141st degree of west longitude, (of the same meridian;) and finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean.

"IV. With reference to the line of demarcation laid down in the preceding article, it is understood—

"1st. That the island called Prince of Wales Island shall belong wholly to Russia," (now, by this cession to the United States.)

"2d. That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as above mentioned, (that is to say, the limit to the possessions ceded by this convention,) shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of ten marine leagues therefrom."

The western limit within which the territories and dominion conveyed are contained passes through a point in Behring's Straits on the parallel of sixty-five degrees thirty minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern or Ignalook, and the island of Ratmanoff, or Noonarbook, and proceeds due north without limitation, into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest, through Behring's Straits and Behring's Sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski, to the meridian of one hundred and seventy-two west longitude; thence, from the intersection of that meridian, in a southwesterly direction, so as to pass midway between the island of Attou and the Copper Island of the Kormandorski couplet or group, in the North Pacific Ocean, to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian Islands east of that meridian.

ARTICLE II.

Cession of territory and dominion includes what.

In the cession of territory and dominion made by the preceding article are included the right of property in all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private individual property. It is, however, understood and agreed, that the churches which have been built in the ceded territory by the Russian Government, shall remain the property of such members of the Greek Oriental Church resident in the territory as may choose to worship therein. Any Government archives, papers, and documents relative to the territory and dominion aforesaid, which may now be existing there, will be left in the possession of the agent of the United States; but an authenticated copy of such of them as may be required, will be, at all times, given by the United States to the Russian Government, or to such Russian officers or subjects as they may apply for.

ARTICLE III.

Rights of inhabitants.

The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may from time to time adopt in regard to aboriginal tribes of that country.

ARTICLE IV.

His Majesty, the Emperor of all the Russias shall appoint, with convenient despatch, an agent or agents for the purpose of formally delivering to a similar agent or agents, appointed on behalf of the United States, the territory, dominion, property, dependencies, and appurtenances which are ceded as above, and for doing any other act which may be necessary in regard thereto. But the cession, with the right of immediate possession, is nevertheless to be deemed complete and absolute on the exchange of ratifications, without waiting for such formal delivery.

Agents, &c.

Cession to be absolute.

ARTICLE V.

Immediately after the exchange of the ratifications of this convention, any fortifications or military posts which may be in the ceded territory shall be delivered to the agent of the United States, and any Russian troops which may be in the territory shall be withdrawn as soon as may be reasonably and conveniently practicable.

Military posts

ARTICLE VI.

In consideration of the cession aforesaid, the United States agree to pay at the Treasury in Washington, within ten months after the exchange of the ratifications of this convention, to the diplomatic representative or other agent of His Majesty the Emperor of all the Russias, duly authorized to receive the same, seven million two hundred thousand dollars in gold. The cession of territory and dominion herein made is hereby declared to be free and unincumbered by any reservations, privileges, franchises, grants, or possessions, by any associated companies, whether corporate or incorporate, Russian or any other, or by any parties, except merely private individual property-holders; and the cession hereby made conveys all the rights, franchises, and privileges now belonging to Russia in the said territory or dominion, and appurtenances thereto.

Payment.

Territory ceded to be unincumbered by reservations, privileges, franchises, &c.

ARTICLE VII.

When this convention shall have been duly ratified by the President of the United States, by and with the advice and consent of the Senate, on the one part, and, on the other, by His Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington within three months from the date hereof, or sooner if possible.

Ratifications.

In faith whereof the respective Plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

Done at Washington the thirtieth day of March, in the year of our Lord one thousand eight hundred and sixty-seven.

WILLIAM H. SEWARD. [L. S.]
EDOUARD DE STOECKL. [L. S.]

RUSSIA, 1868.

ARTICLE RESPECTING TRADE-MARKS, ADDITIONAL TO THE TREATY OF NAVIGATION AND COMMERCE BETWEEN THE UNITED STATES AND RUSSIA, OF THE 18TH OF DECEMBER, 1832. CONCLUDED AT WASHINGTON JANUARY 27, 1868; RATIFICATIONS EXCHANGED SEPTEMBER 21, 1868; PROCLAIMED OCTOBER 15, 1868.

The United States of America and his Majesty the Emperor of all the Russias, deeming it advisable that there should be an additional article to the treaty of commerce between them of the $\frac{6}{18}$ December, 1832, have for this purpose named as their Plenipotentiaries, the President of the United States, William H. Seward, Secretary of State, and His Majesty the Emperor of all the Russias, the Privy Councillor, Edward de Stoeckl, accredited as his Envoy Extraordinary and Minister Plenipotentiary to the United States;

And the said Plenipotentiaries, after an examination of their respective full powers, which were found to be in good and due form, have agreed to and signed the following:

ADDITIONAL ARTICLE.

Trade-marks.

The high contracting parties, desiring to secure complete and efficient protection to the manufacturing industry of their respective citizens and subjects, agree that any counterfeiting in one of the two countries of the trade-marks affixed in the other on merchandize, to show its origin and quality, shall be strictly prohibited and repressed, and shall give ground for an action of damages in favor of the injured party, to be prosecuted in the courts of the country in which the counterfeit shall be proven.

The trade-marks in which the citizens or subjects of one of the two countries may wish to secure the right of property in the other, must be lodged exclusively, to wit, the marks of citizens of the United States in the Department of Manufactures and Inland Commerce at St. Petersburg, and the marks of Russian subjects at the Patent-Office in Washington.

This additional article shall be terminable by either party, pursuant to the twelfth article of the treaty to which it is an addition. It shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by His Majesty the Emperor of all the Russias, and the respective ratifications of the same shall be exchanged at St. Petersburg within nine months from the date hereof, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the present additional article in duplicate, and affixed thereto the seal of their arms.

Done at Washington the twenty-seventh day of January, in the year of Grace one thousand eight hundred and sixty-eight.

WILLIAM H. SEWARD. [L. S.]
EDOUARD DE STOECKL. [L. S.]

SAN SALVADOR.

SAN SALVADOR, 1850.

A GENERAL TREATY OF AMITY, NAVIGATION, AND COMMERCE, BETWEEN THE UNITED STATES OF NORTH AMERICA AND THE REPUBLIC OF SAN SALVADOR. CONCLUDED JANUARY 2, 1850; RATIFICATIONS EXCHANGED JUNE 2, 1852; PROCLAIMED APRIL 18, 1853.

Preamble.

The United States of North America and the Republic of San Salvador, desiring to make lasting and firm the friendship and good understanding which happily exists between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall in future be religiously observed between each other, by means of a treaty or general convention of peace and friendship, commerce, and navigation.

Negotiators.

For this desirable object the President of the United States of America has conferred full powers upon E. G. Squier, a citizen of the said States, and their Chargé d'Affaires to Guatemala; and the President of the Republic of San Salvador has conferred similar and equal powers upon Señor Licenciado Don Augustin Morales, who, after having exchanged their said full powers in due form, have agreed to the following articles:

ARTICLE I.

Peace and friendship.

There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic of San Salvador, in all the extent of their possessions and territories, and between their citizens respectively, without distinction of persons or places.

ARTICLE II.

"Most favored nation" provision.

The United States of America and the Republic of San Salvador, desiring to live in peace and harmony with all the nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations in respect of commerce and navigation which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

ARTICLE III.

Right to trade and hold property.

The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside therein, and shall have the power to purchase and hold lands, and all kinds of real estate, and to engage in all kinds of trade, manufactures, and mining, upon the same terms with

the native citizen, and shall enjoy all the privileges and concessions in these matters which are or may be made to the citizens of any country, and shall enjoy all the rights, privileges, and exemptions in navigation, commerce, and manufactures, which native citizens do or shall enjoy, submitting themselves to the laws, decrees, or usages there established, to which native citizens are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties respectively, according to their own separate laws.

Coasting trade reserved.

ARTICLE IV.

They likewise agree that whatever kind of produce, manufacture, or merchandise of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may be also imported in vessels of the Republic of San Salvador; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other; and in like manner that, whatever kind of produce, manufactures, or merchandise of any foreign country can be, from time to time, lawfully imported into the Republic of San Salvador in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or the other. And they further agree that whatever may be lawfully exported or re-exported from one country in its own vessels to any foreign country may in like manner be exported or re-exported in the vessels of the other country; and the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of the Republic of San Salvador.

No distinction as to nationality of vessels.

ARTICLE V.

No higher or other duties shall be imposed on the importation into the United States of any articles the produce or manufactures of the Republic of San Salvador, and no higher or other duties shall be imposed on the importation into the Republic of San Salvador of any articles the produce or manufactures of the United States, than are or shall be payable on the like articles being the produce or manufactures of any foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries on the exportation of any articles to the United States or to the Republic of San Salvador, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles the produce or manufactures of the United States or of the Republic of San Salvador, to or from the territories of the United States, or to or from the territories of the Republic of San Salvador, which shall not equally extend to all other nations.

No discriminating duties on produce.

ARTICLE VI.

In order to prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the three preceding articles are to their full extent applicable to the vessels of the United States and their cargoes arriving in the ports

Articles IV and V to apply, whatever port the vessel sails from.

of San Salvador, and reciprocally to the vessels of the said Republic of San Salvador and their cargoes arriving in the ports of the United States, whether they proceed from the ports of the country to which they respectively belong or from the ports of any other foreign country; and, in either case, no discriminating duty shall be imposed or collected in the ports of either country on said vessels or their cargoes, whether the same shall be of native or foreign produce or manufacture.

Nationality of cargo.

ARTICLE VII.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries, to manage, by themselves or agents, their own business in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignments and sale of their goods and merchandise, by wholesale or retail, as with respect to the loading, unloading, and sending off their ships; they being in all these cases to be treated as citizens of the country in which they reside, or at least to be placed on an equality with the subjects or citizens of the most favored nation.

Trade.

ARTICLE VIII.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandise, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested an equitable and sufficient indemnification.

Embargoes, &c.

ARTICLE IX.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other with their vessels, whether merchant or war, public or private, through stress of weather, pursuit of pirates or enemies, or want of provisions or water, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage, without obstacle or hindrance of any kind.

Treatment of vessels.

ARTICLE X.

All the ships, merchandise, and effects belonging to the citizens of one of the contracting parties which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals, it being well understood that the claim shall be made within the term of one year by the parties themselves, their attorneys, or agents of their respective Governments.

Property recaptured from pirates.

ARTICLE XI.

When any vessels belonging to the citizens of either of the contracting parties shall be wrecked or foundered, or shall suffer any damage on the coasts or within the dominions of the other,

Wrecks.

there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects without exacting for it any duty, impost, or contribution whatever, unless they may be destined for consumption or sale in the country of the port where they may have been disembarked.

ARTICLE XII.

Sales and inheritances.

The citizens of each of the contracting parties shall have power to dispose of their personal goods or real estate within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their representatives, being citizens of the other party, shall succeed to their said personal goods or real estate, whether by testament or ab intestato; and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein said goods are shall be subject to pay in like cases.

ARTICLE XIII.

Property and rights.

Both contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country, for which purpose they may either appear in proper person, or employ in the prosecution or defence of their rights such advocates, solicitors, notaries, agents, and factors as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions or sentences of the tribunals in all cases which may concern them, and shall enjoy in such cases all the rights and privileges accorded to the native citizen.

ARTICLE XIV.

Conscience.

The citizens of the United States residing in the territories of the Republic of San Salvador shall enjoy the most perfect and entire security of conscience, without being annoyed, prevented, or disturbed on the proper exercise of their religion, in private houses, or on the chapels or places of worship appointed for that purpose, provided that in so doing they observe the decorum due to divine worship, and the respect due to the laws, usages, and customs of the country.

Burial.

Liberty shall also be granted to bury the citizens of the United States who may die in the territories of the Republic of San Salvador, in convenient and adequate places, to be appointed and established for that purpose, with the knowledge of the local authorities, or in such other places of sepulture as may be chosen by the friends of the deceased; nor shall the funerals or sepulchres of the dead be disturbed in anywise, nor upon any account.

In like manner the citizens of San Salvador shall enjoy within the Government and territories of the United States a perfect and unrestrained liberty of conscience, and of exercising their religion, publicly or privately, within their own dwelling-houses, or on the chapels and places of worship appointed for that purpose, agreeably to the laws, usages, and customs of the United States.

ARTICLE XV.

It shall be lawful for the citizens of the United States of America and of the Republic of San Salvador to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are or shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise before mentioned, and to trade with the same liberty and security from the places, ports, and havens of those who are the enemies of both or either party, without any opposition or disturbance whatsoever, not only from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one Power or under several. And it is hereby stipulated that free ships shall also give freedom to goods, and that everything which shall be found on board the ships belonging to the citizens of either of the contracting parties shall be deemed to be free and exempt, although the whole lading, or any part thereof, should appertain to the enemies of either, (contraband goods being always excepted.)

Commerce in time of war.

Free ships to make free goods, &c.

It is also agreed, in like manner, that the same liberty shall be extended to persons who are on board a free ship, with this effect; that altho' they be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers and soldiers, and in the actual service of the enemies; provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those Powers only who recognize this principle; but if either of the two contracting parties shall be at war with a third, and the other remains neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not of others.

Similar provision as to persons.

Limitation of the principle.

ARTICLE XVI.

It is likewise agreed that, in the case where the neutral flag of one of the contracting parties shall protect the property of one of the enemies of the other by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessel shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree that, two months having elapsed after the declaration of war, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandise of the neutral embarked on such enemy's ships shall be free.

Enemy's ship to make enemy's goods, except, &c.

ARTICLE XVII.

This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended—

Contraband.

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets,

rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberts, hand-grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2d. Bucklers, helmets, breastplates, coats of mail, infantry belts, and clothes made up in the form and for the military use.

3d. Cavalry belts and horses, with their furniture.

4th. And generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other material manufactured, prepared, and formed expressly to make war by sea or land.

5th. Provisions that are imported into a besieged or blockaded place.

ARTICLE XVIII.

Other goods free.

All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by the citizens of both the contracting parties, even to places belonging to an enemy, excepting those places only which are at that time besieged or blockaded; and, to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

Siege and blockade.

ARTICLE XIX.

Proceedings in case of contraband.

The articles of contraband before enumerated and classified which may be found in a vessel bound for an enemy's port shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessels will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk they cannot be received on board the capturing ship without great inconvenience; but in this and all other cases of just detention the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment, according to law.

ARTICLE XX.

Blockades.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is besieged or blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained; nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from the commanding officer of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel that may have entered into such port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting that place with her cargo; nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ARTICLE XXI.

In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually that whenever a national vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon-shot, unless in stress of weather, and may send its boat, with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, for which the commanders of said armed ships shall be responsible, with their persons and property; for which purpose the commanders of private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damage they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting her papers, or for any other purpose whatever.

Visitation of vessels at sea.

Ill-treatment.

ARTICLE XXII.

To avoid all kinds of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do hereby agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master and commander of the said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens of one [of] the parties. They have likewise agreed that when such ships have a cargo, they shall also be provided, besides the said sea-letters or passports, with certificates containing the several particulars of the cargo and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods are on board the same, which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without which requisites said vessel may be detained to be adjudged by the competent tribunal, and may be declared lawful prize, unless the said defect shall be proved to be owing to accident, and shall be satisfied or supplied by testimony entirely equivalent.

Sea-letter in time of war.

ARTICLE XXIII.

It is further agreed that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and, when they may be bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

Convoy.

ARTICLE XXIV.

It is further agreed that in all cases the established courts for prize causes in the country to which the prizes may be conducted shall alone take cognizance of them. And whenever such

Prize courts.

tribunals of either party shall pronounce judgment against any vessel, or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives upon which the same shall have been founded; and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

ARTICLE XXV.

Hostilities.

For the purpose of lessening the evils of war, the two high contracting parties further agree that in case a war should unfortunately take place between them, hostilities shall only be carried on by persons duly commissioned by the Government, and by those under their orders, except in repelling an attack or invasion, and in the defence of property.

ARTICLE XXVI.

Letters of marque or commissions.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission or letter of marque for the purpose of assisting or co-operating hostilely with the said enemy against the said parties so at war, under the pain of being treated as a pirate.

ARTICLE XXVII.

In case of war provision for withdrawal of merchandise.

If by any fatality which cannot be expected, and God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe-conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations who may be established in the territories or dominions of the United States or of San Salvador shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

ARTICLE XXVIII.

Debts and property not to be confiscated.

Neither the debts due from individuals of the one nation to the individuals of the other, nor shares nor money which they may have in public funds, nor in public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

ARTICLE XXIX.

Ministers, &c.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the Envoys, Ministers, and other public agents, the same favors, immunities, and exemptions which those of the most favored nations do or shall enjoy;

it being understood that whatever favors, immunities, or privileges the United States of America or the Republic of San Salvador may find it proper to give to the Ministers and public agents of any other Power, shall, by the same act, be extended to those of each of the contracting parties.

ARTICLE XXX.

Consuls and Vice-Consuls.

To make more effectual the protection which the United States and the Republic of San Salvador shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and to admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls may not seem convenient.

ARTICLE XXXI.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and, having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates, and inhabitants in the consular district in which they reside.

ARTICLE XXXII.

It is likewise agreed that the Consuls, their secretaries, officers, and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside are subject, being in everything besides, subject to the laws of the respective States. The archives and papers of the consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

ARTICLE XXXIII.

Deserters.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country; and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand in writing the said deserters, proving by an exhibition of the registers of the vessels or ship's roll or other public documents, that those men were part of the said crews; and on this demand, so proved, (saving, however, where the contrary is proved by other testimonies,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said Consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation; but if they be not sent back within two months, to be counted from the day of arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ARTICLE XXXIV.

Consular convention.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree to form, as soon hereafter as circumstances will permit, a consular convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

ARTICLE XXXV.

The United States of North America and the Republic of San Salvador, desiring to make as durable as possible the relations which are to be established by virtue of this treaty, have declared solemnly and do agree to the following points:

Duration of treaty.

1st. The present treaty shall remain in full force and vigor for the term of twenty years from the day of the exchange of the ratifications; and if neither party notifies the other of its intention of reforming any or all the articles of this treaty twelve months before the expiration of the twenty years stipulated above, the said treaty shall continue binding on both parties beyond the said twenty years until twelve months from the time that one of the parties notifies the other of its intention of proceeding to a reform.

Peace not to be disturbed by acts of private persons.

2d. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizens shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

Declaring war.

3d. If, unfortunately, any of the articles contained in this treaty should be violated or infringed in any way whatever, it is expressly stipulated that neither of the two contracting parties shall ordain or authorize any acts of reprisal, nor shall declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall have laid before the other a statement of such injuries or damages, verified by competent proofs, demanding justice and satisfaction, and the same shall have been denied, in violation of the laws and of international right.

ARTICLE XXXVI.

The present treaty of peace, amity, commerce, and navigation shall be approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the President of the Republic of San Salvador, with the consent and approbation of the Congress of the same; and the ratifications shall be exchanged in the city of Washington or San Salvador, within eight months from the date of the signature thereof, or sooner if possible.

In faith whereof we, the Plenipotentiaries of the United States of America and of the Republic of San Salvador, have signed and sealed these presents, in the city of Leon, on the second day of January, in the year of our Lord one thousand eight hundred and fifty, and of the Independence of the United States the seventy-fourth.

E. GEO. SQUIER. [L. S.]
AGUSTIN MORALES. [L. S.]

SARDINIA.

SARDINIA, 1838.

TREATY OF COMMERCE AND NAVIGATION WITH SARDINIA, AND SEPARATE ARTICLE TO SAME. CONCLUDED NOVEMBER 26, 1838; RATIFICATIONS EXCHANGED MARCH 18, 1839; PROCLAIMED MARCH 18, 1839.

The United States of America and His Majesty the King of Sardinia, desirous of consolidating the relations of good understanding which have hitherto so happily subsisted between their respective States and of facilitating and extending the commercial intercourse between the two countries, have agreed to enter into negotiations for the conclusion of a treaty of commerce and navigation, for which purpose the President of the United States has conferred full powers on Nathaniel Niles, their Special Agent near His Sardinian Majesty, and His Majesty the King of Sardinia has conferred like powers on the Count Clement Solar de la Marguerite, Grand Cross of the Military and Religious Order of S. Maurice and S. Lazarus, of Isabella the Catholic of Spain, and Knight of the Order of Christ, his First Secretary of State for the Foreign Affairs;

And the said Plenipotentiaries having exchanged their full powers, found in good and due form, have concluded and signed the following articles:

ARTICLE I.

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter the ports and commercial places of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories in order to attend to their affairs, and they shall enjoy to that effect the same security and protection as the natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing.

Commerce and navigation.

ARTICLE II.

Sardinian vessels arriving either laden or in ballast in the ports of the United States of America, and reciprocally vessels of the United States arriving either laden or in ballast in the ports of the dominions of His Sardinian Majesty, shall be treated on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, light-houses, pilotage, and port charges, as well as to the fees and perquisites of public officers and other duties or charges of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishment whatsoever.

Vessels of either party, arriving in the ports of the other.

ARTICLE III.

Importations by American vessels.

All kind of merchandise and articles of commerce either the produce of the soil or the industry of the United States of America or of any other country, which may be lawfully imported into the ports of the dominions of Sardinia in Sardinian vessels, may also be so imported in vessels of the United States of America without paying other or higher duties or charges of whatever kind or denomination levied in the name or to the profit of the Government, the local authorities or of any private establishment whatsoever, than if the same merchandise or produce had been imported in Sardinian vessels. And reciprocally all kind of merchandise and articles of commerce, either the produce of the soil, or of the industry of the dominions of Sardinia or of any other country, which may be lawfully imported into the ports of the United States, in vessels of the said States, may also be so imported in Sardinian vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishment whatsoever, than if the same merchandise or produce had been imported in vessels of United States of America.

Importations by Sardinian vessels.

ARTICLE IV.

Preceding stipulations, how applicable.

To prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the two preceding articles are to their full extent applicable to Sardinian vessels and their cargoes arriving in the ports of the United States of America, and reciprocally to vessels of the said States and their cargoes arriving in the ports of the dominions of Sardinia, whether the said vessels clear directly from the ports of the country to which they respectively belong, or from the ports of any other foreign country.

ARTICLE V.

Sardinian vessels may export from the United States, &c.

All kind of merchandise and articles of commerce, which may lawfully be exported from the ports of the United States of America in national vessels, may also be exported therefrom in Sardinian vessels without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishment whatsoever, than if the same merchandise or articles of commerce had been exported in vessels of the United States of America. And reciprocally all kind of merchandise and articles of commerce which may be lawfully exported from the ports of the Kingdom of Sardinia in national vessels may also be exported therefrom in vessels of the United States of America without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishment whatsoever, than if the same merchandise or articles of commerce had been exported in Sardinian vessels.

United States vessels may export from Sardinia, &c.

ARTICLE VI.

No higher or other duties shall be imposed on the importation into

the United States of any article the produce or manufacture of Sardinia, and no higher or other duties shall be imposed on the importation into the Kingdom of Sardinia of any article the produce or manufacture of the United States, than are or shall be payable on the same article being the produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation or exportation of any article the produce of or the manufacture of the United States or of Sardinia, to or from the ports of the United States, or to or from the ports of the Kingdom of Sardinia, which shall not equally extend to all other nations.

Duties to be imposed on importations.

ARTICLE VII.

It is expressly understood and agreed that the preceding articles do not apply to the coastwise navigation of either of the two countries, which each of the two high contracting parties reserves exclusively to itself.

Coasting trade excepted.

ARTICLE VIII.

No priority or preference shall be given directly or indirectly by either of the high contracting parties, nor by any company, corporation, or agent acting in their behalf, or under their authority, in the purchase of any article of commerce lawfully imported on account of, or in reference to, the character of the vessel, whether it be of the one party or the other, in which such article was imported, it being the true intent and meaning of the contracting parties that no distinction or difference whatever shall be made in this respect.

Preference of importations.

ARTICLE IX.

If either party shall hereafter grant to any other nation any particular favor in commerce or navigation, it shall immediately become common to the other party, freely where it is freely granted to such other nation, or on yielding the same or an equivalent compensation, when the grant is conditional.

Favors granted.

ARTICLE X.

Vessels of either of the high contracting parties arriving on the coasts of the other, but without the intention to enter a port, or having entered not wishing to discharge the whole or any part of their cargoes, shall enjoy in this respect the same privileges and be treated in the same manner as the vessels of the most favored nations.

Vessels, &c., to be on the same footing as those of the most favored nations.

ARTICLE XI.

When any vessel belonging to either of the contracting parties, or to their citizens or subjects, shall be wrecked, foundered, or otherwise suffer damage on the coasts or within the dominions of the other, there shall be given to such vessel and all persons on board every aid and protection, in like manner as is usual and customary to vessels of the nation where such shipwreck or damage happens; and such shipwrecked vessel, its merchandise, and other effects, or their proceeds, if the same shall have been sold, shall be restored to their owners, or to those entitled to receive them, upon the payment of such

Shipwreck, &c.

costs of salvage as would have been paid by national vessels in the same circumstances.

ARTICLE XII.

Vessels forced into port.

Sardinian merchant-vessels being forced from stress of weather or other unavoidable causes to enter a port of the United States of America, and reciprocally merchant-vessels of the said States entering the ports of His Sardinian Majesty from similar causes, shall be exempt from port charges and all other duties levied to the profit of the Government, in case the causes which have rendered such entry necessary are real and evident, provided such vessel does not engage in any commercial operation while in port, such as loading and unloading merchandise, it beeing understood, nevertheless, that the unloading and reloading rendered necessary for the repair of the said vessel shall not be considered an act of commerce affording ground for the payment of duties, and provided also that the said vessel shall not prolong her stay in port beyond the time necessary for the repair of her damages.

ARTICLE XIII.

Vessels entering a blockaded port.

Considering the remoteness of the respective countries of the two high contracting parties, and the uncertainty resulting therefrom with respect to the various events which may take place, it is agreed that a merchant-vessel, belonging to either of them, which may be bound to a port supposed at the time of its departure to be blockaded, shall not however be captured or condemned for having attempted a first time to enter said port, unless it can be proved that said vessel could and ought to have learned during its voyage that the blockade of the place in question still continued. But all vessels which, after having been warned off once, shall, during the same voyage, attempt a second time to enter the same blockaded port during the continuance of the said blockade, shall then subject themselves to be detained and condemned.

ARTICLE XIV.

Articles of commerce allowed to pass from Genoa through the Sardinian territories, &c.

All articles of commerce the growth or manufacture of the United States of America, and the products of their fisheries, with the exception of salt, gunpowder, and tobacco manufactured for use, shall be permitted to pass in transitu from the free port of Genoa through the territories of His Sardinian Majesty to any point of the inland frontier of the said territories; and, vice versa, all articles of commerce coming from any one point of the Sardinian inland frontier, destined for the United States, shall be permitted to pass the territories of His Sardinian Majesty to the free port of Genoa without being liable to the payment of any duty whatever levied in the name or to the profit of the Government, the local authorities, or of any private establishment whatsoever, other than such as are required to meet the expenses of the necessary precautionary measures against smuggling, which precautionary measures to be observed in regard to transit to the frontier shall be the same whether the said articles of commerce are imported by the vessels of the one or of the other of the high contracting parties. But if peculiar circumstances or considerations should render the re-establishment of transit duties necessary on the said articles of commerce directed to any one point of the Sardinian frontier, the Sardinian Government, in reserving to itself the full right to establish such duty, engages to notify

Notice of transit duty to be given.

to the Government of the United States such determination six months before any such transit duty shall be exacted. It is also unders[t]ood that all articles of commerce imported directly from the United States of America shall be taken and considered as the products of the said States, and shall be entitled equally and in like manner, with the exceptions above mentioned in the present article, to a free transit through the territories of His Sardinian Majesty.

Articles imported directly from United States.

ARTICLE XV.

The two high contracting parties reciprocally grant to each other the liberty of having each in the ports and other commercial places of the other, Consuls, Vice-Consuls, and Commercial Agents of their own appointment, who shall enjoy the same privileges, powers, and exemptions as those of the most favored nations. But if any of such Consuls shall exercise commerce, they shall be subjected to the same laws and usages to which the private individuals of their nation, or subjects or citizens of the most favored nations are subject in the same places, in respect to their commercial transactions.

Consuls.

ARTICLE XVI.

It is especially understood that whenever either of the two contracting parties shall select for a consular agent to reside in any port or commercial place of the other party a subject or citizen of this last, such Consul or Agent shall continue to be regarded, notwithstanding his quality of a foreign Consul, as a subject or citizen of the nation to which he belongs, and consequently shall be submitted to the laws and regulations to which natives are subjected in the place of his residence. This obligation, however, shall in no respect embarrass the exercise of his consular functions, or affect the inviolability of the consular archives.

Citizens of one party appointed Consuls by the other.

ARTICLE XVII.

The said Consuls, Vice-Consuls, and Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest, detention, and emprisonment of the deserters from the ships of war and merchant-vessels of their country. For this purpose, they shall apply to the competent tribunals, judges, and officers, and shall in writing demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and this reclamation thus substantiated, the surrender shall not be refused. Such deserters when arrested shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons at the request and cost of those who shall claim them in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country by a vessel of the same nation or any other vessel whatsoever. But if not sent back within three months from the day of their arrest, they shall be set at liberty and shall not again be arrested for the same cause. If, however, the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case should be depending shall have pronounced its sentence and such sentence shall have been carried into execution.

Consuls.

Deserters.

ARTICLE XVIII.

Personal goods, &c.

The citizens and subjects of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise, and their representatives, being citizens or subjects of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and may take possession thereof either by themselves or by others acting for them and dispose of the same at will, paying such taxes and dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And, in case of the absence of the representatives, such care shall be taken of the said goods as would be taken of the goods of a native of the same country in like case, until the lawfull owner may take measures for receiving them. And if a question should arise among several claimants as to which of them said goods belong, the same shall finally be decided by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of one of the contracting parties, such real estate would by the laws of the land descend on a citizen or subject of the other party who by reason of alienage may be incapable of holding it, he shall be allowed a reasonable time to sell such real estate, and to withdraw and export the proceeds without molestation and without paying to the profit of the respective Governments any other dues, taxes, or charges than those to which the inhabitants of the country wherein said real estate is situated shall be subject to pay in like cases.

In case of real estate.

ARTICLE XIX.

Duration of the treaty.

The present treaty shall continue in force for ten years, counting from the day of the exchange of the ratifications; and if, twelve months before the expiration of that period, neither of the high contracting parties shall have announced to the other by an official notification its intention to arrest the operation of the said treaty, it shall remain obligatory one year beyond that time, and so on until the expiration of the twelve months which will follow a similar notification, whatever is the time at which it may take place.

ARTICLE XX.

Ratifications.

The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Sardinia; and the ratifications shall be exchanged in the city of Washington within ten months from the date of the signature thereof, or sooner if possible.

In faith whereof the Plenipotentiaries of the contracting parties have signed the present treaty, and thereto affixed their respective seals.

Done at Genoa this 26th November, 1838.

NATHANIEL NILES. [L. S.]
SOLAR DE LA MARGUERITE. [L. S.]

SEPARATE ARTICLE.

Differential duties.

Circumstances of a peculiar nature rendering it necessary for His Sardinian Majesty to continue for a time differential duties, to the disadvantage of foreign flags, on grain, olive-oil, and

wine, imported directly from the Black Sea, the ports of the Adriatic, and of those of the Mediterranean, as far as Cape Trafalgar, nothwithstanding the general provisions of the articles No. 2, 3, and 4 of the present treaty, it is distinctly understood and agreed by the high contracting parties, that the United States shall have full and entire liberty to establish countervailing differential duties on the same articles imported from the same places to the disadvantage of the Sardinian flag, in case the existing or any other differential duties on the said articles shall be continued in force, to the disadvantage of the flag of the United States of America, by His Sardinian Majesty, beyond a period of four years, counting from the day of the exchange of the ratifications of the present treaty and separate article, but all countervailing differential duties on the said articles shall cease to be exacted from the time the United States Government shall have been informed officially of the discontinuance of differential duties on the part of His Sardinian Majesty.

The present separate article shall have the same force and value as if it were inserted word for word in the treaty signed this day, and shall be ratified in the same time. Effect of this article.

In faith whereof we, the undersigned, by virtue of our full powers, have signed the present separate article, and thereto affixed our respective seals.

Done at Genoa the 26th November, 1838.

NATHANIEL NILES. [L. S.]
SOLAR DE LA MARGUERITE. [L. S.]

SAXONY.

SAXONY, 1845.

CONVENTION FOR THE MUTUAL ABOLITION OF THE DROIT D'AUBAINE AND TAXES ON EMIGRATION. CONCLUDED MAY 14, 1845; RATIFICATIONS EXCHANGED AUGUST 12, 1846; PROCLAIMED SEPTEMBER 9, 1846.

Preamble.

The United States of America, on the one part, and His Majesty the King of Saxony, on the other part, being equally desirous of removing the restrictions which exist in their territories upon the acquisition and transfer of property by their respective citizens and subjects, have agreed to enter into negotiations for this purpose.

Negotiators.

For the attainment of this desirable object, the President of the United States of America has conferred full powers on Henry Wheaton, their Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the King of Prussia, and His Majesty the King of Saxony upon John DeMinckwitz, his Minister of State, Lieutenant-General, Envoy Extraordinary and Minister Plenipotentiary at the said Court;

Who, after having exchanged their said full powers, found in due and proper form, have agreed to the following articles:

ARTICLE I.

Droit d'aubaine, &c., abolished.

Every kind of droit d'aubaine, droit de retraite, and droit de détraction or tax on emigration, is hereby and shall remain abolished between the two contracting parties, their States, citizens, and subjects, respectively.

ARTICLE II.

Heirs to real property allowed to sell the same and withdraw the proceeds.

Where, on the death of any person holding real property within the territories of one party, such real property would by the laws of the land descend on a citizen or subject of the other, were he not disqualified by alienage, or where such real property has been devised by last will and testament to such citizen or subject, he shall be allowed a term of two years from the death of such person—which term may be reasonably prolonged according to circumstances—to sell the same and to withdraw the proceeds thereof without molestation, and exempt from all duties of détraction on the part of the Government of the respective States.

ARTICLE III.

Citizens and subjects of each party may dispose by will, &c., of their property in the States of the other, &c.; duties to be paid the same as paid by inhabitants.

The citizens or subjects of each of the contracting parties shall have power to dispose of their personal property within the States of the other, by testament, donation, or otherwise; and their heirs, being citizens or subjects of the other contracting party, shall succeed to their said personal property, whether by testament or ab intestato, and may take possession thereof, either by themselves or by others acting for

them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country where the said property lies shall be liable to pay in like cases.

ARTICLE IV.

In case of the absence of the heirs, the same care shall be taken, provisionally, of such real or personal property as would be taken, in a like case, of the property belonging to the natives of the country, until the lawful owner, or the person who has a right to sell the same, according to Article II, may take measures to receive or dispose of the inheritance.

Property of absent heirs to be taken care of.

ARTICLE V.

If any dispute should arise between the different claimants to the same inheritance, they shall be decided according to the laws and by the judges of the country where the property is situated.

Disputes to be settled by local laws.

ARTICLE VI.

All the stipulations of the present convention shall be obligatory in respect to property already inherited, devised, or bequeathed, but not yet withdrawn from the country where the same is situated at the signature of this convention.

Stipulation of the present convention to apply to property already inherited &c., but not yet withdrawn.

ARTICLE VII.

This convention shall be ratified by the President of the United States of America, by and with the advice and consent of their Senate, and by His Majesty the King of Saxony, and the ratifications shall be exchanged at Berlin within the term of eighteen months from the date of the signature, or sooner if possible.

Convention subject to ratification, and ratifications to be exchanged in eighteen months from date.

In faith of which, the respective Plenipotentiaries have signed the above articles, both in German and English, and have thereto affixed their seals.

Signed in German and English May 14, 1845.

Done in triplicata, in the city of Berlin, on the 14th of May, in the year of our Lord one thousand eight hundred and forty-five, and the sixty-ninth of the Independence of the United States of America.

HENRY WHEATON. [L. S.]
MINCKWITZ. [L. S.]

SCHAUMBURG-LIPPE.

SCHAUMBURG-LIPPE, 1854.

DATE JUNE 7, 1854; PROCLAIMED JULY 26, 1854.

[On the 7th of June, 1854, the Government of the Duke of Schaumburg-Lippe formally declared its accession to the convention of the 16th of June, 1852, between the United States and Prussia and other States of the Germanic Confederation, for the mutual delivery of criminals fugitives from justice in certain cases, and to the additional article thereto between the same parties, of the 16th of November, 1852.]

SIAM.

SIAM, 1833.

TREATY WITH SIAM. CONCLUDED MARCH 20, 1833; PROCLAIMED JUNE 24, 1837; RATIFICATIONS EXCHANGED AT BANGKOK APRIL 14, 1836; PROCLAIMED JUNE 24, 1837.

His Majesty the Sovereign and Magnificent King in the City of Sia-Yut'hia has appointed the Chau Phaya-Phra-klang, one of the first Ministers of State, to treat with Edmund Roberts, Minister of the United States of America, who has been sent by the Government thereof, on its behalf, to form a treaty of sincere friendship and entire good faith between the two nations. For this purpose, the Siamese and the citizens of the United States of America shall, with sincerity, hold commercial intercourse in the ports of their respective nations as long as heaven and earth shall endure.

This treaty is concluded on Wednesday, the last of the fourth month of the year 1194, called Pi-marông-chat-tava-sôk, (or the year of the Dragon,) corresponding to the twentieth day of March, in the year of our Lord 1833. One original is written in Siamese, the other in English; but as the Siamese are ignorant of English, and the Americans of Siamese, a Portuguese and a Chinese translation are annexed, to serve as testimony to the contents of the treaty. The writing is of the same tenor and date in all the languages aforesaid. It is signed, on the one part, with the name of the Chau P'haya-P'hra-klang, and sealed with the seal of the lotus flower, of glass; on the other part, it is signed with the name of Edmund Roberts, and sealed with a seal containing an eagle and stars.

One copy will be kept in Siam, and another will be taken by Edmund

Roberts to the United States. If the Government of the United States shall ratify the said treaty and attach the seal of the Government, then Siam will also ratify it on its part, and attach the seal of its Government.

ARTICLE I.

There shall be a perpetual peace between the United States of America and the Magnificent King of Siam.

Perpetual peace.

ARTICLE II.

The citizens of the United States shall have free liberty to enter all the ports of the Kingdom of Siam with their cargoes, of whatever kind the said cargoes may consist; and they shall have liberty to sell the same to any of the subjects of the King, or others who may wish to purchase the same, or to barter the same for any produce or manufacture of the Kingdom, or other articles that may be found there. No prices shall be fixed by the officers of the King on the articles to be sold by the merchants of the United States, or the merchandise they may wish to buy, but the trade shall be free on both sides to sell or buy or exchange on the terms and for the prices the owners may think fit. Whenever the said citizens of the United States shall be ready to depart, they shall be at liberty so to do, and the proper officers shall furnish them with passports: *Provided always*, There be no legal impediment to the contrary. Nothing contained in this article shall be understood as granting permission to import and sell munitions of war to any person excepting to the King, who, if he does not require, will not be bound to purchase them; neither is permission granted to import opium, which is contraband, or to export rice, which cannot be embarked as an article of commerce. These only are prohibited.

Citizens of United States at liberty to enter the ports of Siam with their cargoes, &c.

Proviso.

ARTICLE III.

Vessels of the United States entering any port within His Majesty's dominions, and selling or purchasing cargoes of merchandise, shall pay, in lieu of import and export duties, tonnage, license to trade, or any other charge whatever, a measurement duty only, as follows: The measurement shall be made from side to side, in the middle of the vessel's length; and, if a single-decked vessel, on such single deck; if otherwise, on the lower deck. On every vessel, selling merchandise, the sum of one thousand seven hundred Ticals, or Bats, shall be paid for every Siamese fathom in breadth, so measured; the said fathom being computed to contain seventy-eight English or American inches, corresponding to ninety-six Siamese inches; but if the said vessel should come without merchandise, and purchase a cargo with specie only, she shall then pay the sum of fifteen hundred Ticals, or Bats, for each and every fathom before described. Furthermore, neither the aforesaid measurement duty, nor any other charge whatever, shall be paid by any vessel of the United States that enters a Siamese port for the purpose of refitting, or for refreshments, or to inquire the state of the market.

Duties.

ARTICLE IV.

If hereafter the duties payable by foreign vessels be diminished in favor of any other nation, the same diminution shall be made in favor of the vessels of the United States.

ARTICLE V.

Wrecks.

If any vessel of the United States shall suffer shipwreck on any part of the Magnificent King's dominions, the persons escaping from the wreck shall be taken care of and hospitably entertained at the expense of the King, until they shall find an opportunity to be returned to their country; and the property saved from such wreck shall be carefully preserved and restored to its owners; and the United States will repay all expenses incurred by His Majesty on account of such wreck.

ARTICLE VI.

Debts contracted in Siam.

If any citizen of the United States, coming to Siam for the purpose of trade, shall contract debts to any individual of Siam, or if any individual of Siam shall contract debts to any citizen of the United States, the debtor shall be obliged to bring forward and sell all his goods to pay his debts therewith. When the product of such bona fide sale shall not suffice, he shall no longer be liable for the remainder, nor shall the creditor be able to retain him as a slave, imprison, flog, or otherwise punish him, to compel the payment of any balance remaining due, but shall leave him at perfect liberty.

ARTICLE VII.

Merchants of United States to rent the king's factories, &c.

Merchants of the United States coming to trade in the Kingdom of Siam, and wishing to rent houses therein, shall rent the King's factories, and pay the customary rent of the country. If the said merchants bring their goods on shore, the King's officers shall take account thereof, but shall not levy any duty thereupon.

ARTICLE VIII.

Citizens of the United States taken by pirates.

If any citizens of the United States, or their vessels, or other property, shall be taken by pirates and brought within the dominions of the Magnificent King, the persons shall be set at liberty, and the property restored to its owners.

ARTICLE IX.

Merchants of United States to respect the laws, &c.

Merchants of the United States trading in the Kingdom of Siam shall respect and follow the laws and customs of the country in all points.

ARTICLE X.

Consuls.

If hereafter any foreign nation other than the Portuguese shall request and obtain His Majesty's consent to the appointment of Consuls to reside in Siam, the United States shall be at liberty to appoint Consuls to reside in Siam, equally with such other foreign nation.

EDMUND ROBERTS. [L. S.]

Whereas the undersigned, Edmund Roberts, a citizen of Portsmouth, the State of New Hampshire, in the United States of America, being duly appointed an envoy, by letters-patent, under the signature of the President and seal of the United States of America, bearing date at the

city of Washington, the twenty-sixth day of January, A. D. 1832, for negotiating and concluding a treaty of amity and commerce between the United States of America and His Majesty the King of Siam:

Now know ye, that I, Edmund Roberts, Envoy as aforesaid, do conclude the foregoing treaty of amity and commerce, and every article and clause therein contained; reserving the same, nevertheless, for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the said United States.

Done at the royal city of Sia-Yut'hia, (commonly called Bankok,) on the twentieth day of March, in the year of our Lord one thousand eight hundred and thirty-three, and of the Independence of the United States of America the fifty-seventh.

EDMUND ROBERTS. [L. S.]

SIAM, 1856.

TREATY BETWEEN THE UNITED STATES AND SIAM. CONCLUDED AT BANGKOK, MAY 29, 1856; RATIFICATIONS EXCHANGED AT BANGKOK, JUNE 15, 1857; PROCLAIMED AUGUST 16, 1858.

The President of the United States of America, and their Majesties Phra-Bard, Somdetch, Phra-Paramendr, Maha, Mongkut, Phra, Chom, Klau, Chau, Yu, Hua, the First King of Siam, and Phra, Bard, Somdetch, Phra, Pawarendr, Ramesr, Mahiswaresr, Phra, Pin, Klau, Chau, Yu, Hua, the second King of Siam, desiring to establish upon firm and lasting foundations the relations of peace and friendship existing between the two countries, and to secure the best interest of their respective citizens and subjects by encouraging, facilitating, and regulating their industry and trade, have resolved to conclude a treaty of amity and commerce for this purpose, and have therefore named as their Plenipotentiaries, that is to say: Negotiators.

The President of the United States, Townsend Harris, Esq., of New York, Consul-General of the United States of America for the Empire of Japan, and their Majesties the First and Second Kings of Siam, His Royal Highness the Prince Krom Hluang, Wongsa, Dhiraj, Snidh, His Excellency Somdetch, Chau, Phaya, Param, Maha, Bijai, Neate, His Excellency Chau, Phaya, Sri, Suriwongse, Samuha, Phra, Kralahom, His Excellency Chau, Phaya, Rawe, Wongee, Maha, Kosa, Dhipade, the Phra Klang, His Excellency Chau, Phaya, Yomray, the lord mayor;

Who, after having communicated to each other their respective full powers, and found them to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

There shall, henceforward, be perpetual peace and friendship between the United States and their Majesties the First and Second Kings of Siam and their successors. Amity &c.

All American citizens coming to Siam shall receive from the Siamese Government full protection and assistance to enable them to reside in Siam in all security, and trade with every facility, free from oppression or injury on the part of the Siamese. Inasmuch as Siam has no ships trading to the ports of the United States, it is agreed that the ships of war of the United States shall render friendly Mutual aid.

aid and assistance to such Siamese vessels as they may meet on the high seas, so far as can be done without a breach of neutrality; and all American Consuls, residing at ports visited by Siamese vessels, shall also give them such friendly aid as may be permitted by the laws of the respective countries in which they reside.

ARTICLE II.

American Consul at Bangkok.

The interests of all American citizens coming to Siam shall be placed under the regulations and control of a Consul, who will be appointed to reside at Bangkok. He will himself conform to and will enforce the observance by American citizens of all the provisions of this treaty, and such of the former treaty, negotiated by Mr. Edmund Roberts, in 1833, as shall still remain in operation. He shall also give effect to all rules and regulations as are now or may hereafter be enacted for the government of American citizens in Siam, the conduct of their trade, and for the prevention of violations of the laws of Siam. Any disputes arising between American citizens and Siamese subjects shall be heard and determined by the Consul, in conjunction with the proper Siamese officers; and criminal offences will be punished, in the case of American offenders, by the Consul, according to American laws, and in the case of Siamese offenders by their own laws, through the Siamese authorities. But the Consul shall not interfere in any matters referring solely to Siamese; neither will the Siamese authorities interfere in questions which only concern the citizens of the United States.

ARTICLE III.

Offenders, &c., to be mutually surrendered.

If Siamese in the employ of American citizens offend against the laws of their country, or if any Siamese, having so offended, or desiring to desert, take refuge with American citizens in Siam, they shall be searched for, and, upon proof of their guilt or desertion, shall be delivered up by the Consul to the Siamese authorities. In like manner, any American offenders, resident or trading in Siam, who may desert, escape to, or hide themselves in Siamese territory, shall be apprehended and delivered over to the American Consul on his requisition.

ARTICLE IV.

Right to trade, &c.

American citizens are permitted to trade freely in all the seaports of Siam, but may reside permanently only at Bangkok, or within the limits assigned by this treaty.

Residence of traders, and rights, &c.

American citizens coming to reside at Bangkok may rent land and buy or build houses, but cannot purchase land within a circuit of two hundred seng (not more than four miles English) from the city walls, until they shall have lived in Siam for ten years, or shall obtain special authority from the Siamese Government to enable them to do so. But with the exception of this limitation American residents in Siam may, at any time, buy or rent houses, lands, or plantations situated anywhere within a distance of twenty-four hours' journey from the city of Bangkok, to be computed by the rate at which boats of the country can travel. In order to obtain possession of such lands or houses, it will be necessary that the American citizen shall, in the first place, make application through the Consul to the proper Siamese officer, and the Siamese officer and the Consul, having satisfied themselves of the honest intentions of the applicant, will assist him in

settling, upon equitable terms, the amount of the purchase-money; will make out and fix the boundaries of the property, and will convey the same to the American purchaser under sealed deeds, whereupon he and his property shall be placed under the protection of the governor of the district, and that of the particular local authorities. He shall conform in ordinary matters to any just direction given him by them, and will be subject to the same taxation that is levied on Siamese subjects. But if, through negligence, the want of capital, or other cause, an American citizen should fail to commence the cultivation or improvements of the lands so acquired within a term of three years from the date of receiving possession thereof, the Siamese Government shall have the power of resuming the property upon returning to the American citizen the purchase-money paid by him for the same.

ARTICLE V.

Religion.

All American citizens visiting or residing in Siam shall be allowed the free exercise of their religion, and liberty to build places of worship in such localities as shall be consented to by the Siamese authorities. The Siamese Government will place no restriction upon the employment by the Americans of Siamese subjects as servants, or in any other capacity. But wherever a Siamese subject belongs or owes service to some particular master, the servant who engages himself to an American citizen without the consent of his master may be reclaimed by him, and the Siamese Government will not enforce an agreement between an American citizen and any Siamese in his employ, unless made with the knowledge and consent of the master who has a right to dispose of the services of the person engaged.

Siamese servants.

ARTICLE VI.

American ships of war.

American ships of war may enter the river and anchor at Paknam; but they shall not proceed above Paknam unless with the consent of the Siamese authorities, which shall be given where it is necessary that a ship shall go into dock for repairs. Any American ship of war conveying to Siam a public functionary, accredited by the American Government to the Court of Bangkok, shall be allowed to come up to Bangkok, but shall not pass the forts called Phrachamit and Pit-pach-nuck, unless expressly permitted to do so by the Siamese Government. But, in the absence of an American ship of war, the Siamese authorities engage to furnish the Consul with a force sufficient to enable him to give effect to his authority over American citizens, and to enforce discipline among American shipping.

Siamese to aid American Consul, when, &c.

ARTICLE VII.

Import and export duties, &c.

The measurement duty hitherto paid by American vessels trading to Bangkok, under the treaty of 1833, shall be abolished from the date of this treaty coming into operation, and American shipping or trade will thenceforth only be subject to the payment of import and export duties on the goods landed or shipped.

On the articles of import the duty shall be three per cent., payable, at the option of the importer, either in kind or money, calculated upon the market value of the goods. Drawback of the full amount of duty shall be allowed upon goods found unsaleable and re-exported. Should the American merchant and the custom-house officers disagree as to the

Value of imports settled.

value to be set upon imported articles, such disputes shall be referred to the Consul and a proper Siamese officer, who shall each have the power to call in an equal number of merchants as assessors, not exceeding two on either side, to assist them in coming to an equitable decision.

Opium.

Opium may be imported free of duty, but can only be sold to the opium farmer or his agents. In the event of no arrangement being effected with them for the sale of the opium, it shall be re-exported, and no impost or duty [shall be] levied thereon. Any infringement of this regulation shall subject the opium to seizure and confiscation.

Exports.

Articles of export, from the time of production to the date of shipment, shall pay one impost only, whether this be levied under the name of inland tax, transit duty, or duty on exportation. The tax or duty to be paid on each article of Siamese produce previous to or upon exportation is specified in the tariff attached to this treaty; and it is distinctly agreed that goods or produce that pay any description of tax in the interior shall be exempted from any further payment of duty on exportation. American merchants are to be allowed to purchase directly from the producer the articles in which they trade, and in like manner to sell their goods directly to the parties wishing to purchase the same, without the interference in either case of any other person.

Right to purchase and sell.

Rates of duty.

The rates of duty laid down in the tariff attached to this treaty are those that are now paid upon goods or produce shipped in Siamese or Chinese vessels or junks; and it is agreed that American shipping shall enjoy all the privileges now exercised by, or which hereafter may be granted to, Siamese or Chinese vessels or junks.

Privileges of American shipping.

American citizens will be allowed to build ships in Siam on obtaining permission to do so from the Siamese authorities.

Exportation of salt, rice, and fish.

Whenever a scarcity may be apprehended of salt, rice, and fish, the Siamese Government reserve to themselves the right of prohibiting by public proclamation the exportation of these articles, giving 30 days (say thirty days) notice, except in case of war.

Articles free of duty.

Bullion or personal effects may be imported or exported free of charge.

ARTICLE VIII.

The code of regulations appended to this treaty shall be enforced by the Consul, with the co-operation of the Siamese authorities; and they, the said authorities and Consul, shall be enabled to introduce any further regulations which may be found necessary in order to give effect to the objects of this treaty.

Fines and penalties.

All fines and penalties inflicted for infraction of the provisions and regulations of this treaty shall be paid to the Siamese Government.

ARTICLE IX.

Privileges, &c., of most favored nation.

The American Government and its citizens will be allowed free and equal participation in any privileges that may have been or may hereafter be granted by the Siamese Government to the Government, citizens, or subjects of any other nation.

ARTICLE X.

After the lapse of ten years from the date of the ratification of this treaty, upon the desire of either the American or Siamese Government, and on twelve months' notice given by either party, the present, and such portions of the treaty of 1833 as remain unrevoked by this treaty, together with the tariff and regulations thereunto annexed, or those that may hereafter be introduced, shall be subject to revision by commissioners appointed on both sides for this purpose, who will be empowered to decide on and insert therein such amendments as experience shall prove to be desirable.

Treaty may be revised in ten years.

ARTICLE XI.

This treaty, executed in English and Siamese, both versions having the same meaning and intention, shall take effect immediately, and the ratifications of the same shall be exchanged at Bangkok within eighteen months from the date thereof.

Ratifications.

In witness whereof the above-named Plenipotentiaries have signed and sealed the present treaty in triplicate at Bangkok, on the twenty-ninth day of May, in the year one thousand eight hundred and fifty-six of the Christian era, and of the Independence of the United States the eightieth, corresponding to the tenth of the waning moon of the lunar month, Wesakh, or sixth month of the year of the Quadruped Serpent of the Siamese civil era, one thousand two hundred and eighteen, and the sixth of the reign of their Majesties the First and Second Kings of Siam.

Signature May 29, 1856.

[L. S.] TOWNSEND HARRIS.
[L. S.] [L. S.] [L. S.] [L. S.] [L. S.] *

General regulations under which American trade is to be conducted in Siam.

REGULATION I. The master of every American ship coming to Bangkok to trade, must, either before or after entering the river, as may be found convenient, report the arrival of his vessel at the custom-house at Paknam, together with the number of his crew and guns, and the port from whence he comes. Upon anchoring his vessel at Paknam, he will deliver into the custody of the custom-house officers all his guns and ammunition, and a custom-house officer will then be appointed to the vessel, and will proceed in her to Bangkok.

Trade.

Arrivals of vessels.

REGULATION II. A vessel passing Paknam without discharging her guns and ammunition, as directed in the foregoing regulation, will be sent back to Paknam, to comply with its provisions, and will be fined eight hundred ticals for having so disobeyed. After delivery of her guns and ammunition, she will be permitted to return to Bangkok to trade.

Penalty for violation.

REGULATION III. When an American vessel shall have cast anchor at Bangkok, the master, unless a Sunday should intervene, will, within four and twenty hours after arrival, proceed to the American consulate and deposit there his ship's papers, bills of lading, &c., together with a true manifest of his import cargo; and upon the Consul's reporting these particulars to the custom-house, permission to break bulk will at once be given by the latter.

Vessel's papers.

* Signatures of Siamese Plenipotentiaries.

For neglecting so to report his arrival, or for presenting a false manifest, the master will subject himself, in each instance, to a penalty of four hundred ticals; but he will be allowed to correct, within twenty-four hours after delivery of it to the Consul, any mistake he may discover in his manifest, without incurring the above-mentioned penalty.

Penalty for neglect.

REGULATION IV. An American vessel breaking bulk and commencing to discharge before due permission shall be obtained, or smuggling, either when in the river or outside the bar, shall be subject to the penalty of eight hundred ticals, and confiscation of the goods so smuggled or discharged.

Smuggling, &c.

REGULATION V. As soon as an American vessel shall have discharged her cargo, and completed her outward lading, paid all her duties, and delivered a true manifest of her outward cargo to the American Consul, a Siamese port clearance shall be granted her, on application from the Consul, who, in the absence of any legal impediment to her departure, will then return to the master his ship's papers, and allow the vessel to leave. A custom-house officer will accompany the vessel to Paknam, and on arriving there she will be inspected by the custom-house officers of that station, and will receive from them the guns and ammunition previously delivered into their charge.

Clearance of vessels.

REGULATION VI. The American Plenipotentiary having no knowledge of the Siamese language, the Siamese Government have agreed that the English text of these regulations, together with the treaty of which they form a portion, and the tariff hereunto annexed, shall be accepted as conveying, in every respect, their true meaning and intention.

The English text of these regulations to be taken.

REGULATION VII. All American citizens intending to reside in Siam shall be registered at the American Consulate; they shall not go out to sea nor proceed beyond the limits assigned by the treaty for the residence of American citizens without a passport from the Siamese authorities, to be applied for by the American Consul; nor shall they leave Siam if the Siamese authorities show to the American Consul that legitimate objections exist to their quitting the country. But within the limits appointed under Article IV of the treaty, American citizens are at liberty to travel to and fro, under the protection of a pass to be furnished them by the American Consul, and counter-sealed by the proper Siamese officer, stating in the Siamese character their names, calling, and description. The Siamese officers at the Government stations in the interior may at any time call for the production of this pass; and immediately on its being exhibited, they must allow the parties to proceed; but it will be their duty to detain those persons who, by travelling without a pass from the Consul, render themselves liable to the suspicion of their being deserters, and such detention shall be immediately reported to the Consul.

American citizens intending to reside in Siam, &c. Privileges, &c. Prohibitions, &c.

[L. S.] TOWNSEND HARRIS.
[L. S.] [L. S.] [L. S.] [L. S.] [L. S.]*

Tariff of duties.

Tariff of export and inland duties to be levied on articles of trade.

SECTION I. The undermentioned articles shall be entirely free from inland or other taxes on production or transit, and shall pay export duty as follows:

Articles paying export duty only.

*Signatures of Siamese Plenipotentiaries.

		Tical.	Salung.	Fuang.	Hun.	
1.	Ivory	10	0	0	0	per pecul.
2.	Gamboge	6	0	0	0	"
3.	Rhinoceros' horns	50	0	0	0	"
4.	Cardamums, best	14	0	0	0	"
5.	Ditto, bastard	6	0	0	0	"
6.	Dried mussels	1	0	0	0	"
7.	Pelicans' quills	2	2	0	0	"
8.	Betel nut, dried	1	0	0	0	"
9.	Krachi wood	0	2	0	0	"
10.	Sharks' fins, white	6	0	0	0	"
11.	Ditto, black	3	0	0	0	"
12.	Lukkrabau seed	0	2	0	0	"
13.	Peacocks' tails	10	0	0	0	per 100 tails.
14.	Buffalo and cow bones	0	0	0	3	per pecul.
15.	Rhinoceros' hides	0	2	0	0	"
16.	Hide cuttings	0	1	0	0	"
17.	Turtle shells	1	0	0	0	"
18.	Soft ditto	1	0	0	0	"
19.	Bêche de mer	3	0	0	0	"
20.	Fish maws	3	0	0	0	"
21.	Birds' nests, uncleaned	20 per cent.				
22.	Kingfishers' feathers	6	0	0	0	per 100.
23.	Cutch	0	2	0	0	per pecul.
24.	Beyché seed, (nux vomica)	0	2	0	0	"
25.	Pungtarai seed	0	2	0	0	"
26.	Gum Benjamin	4	0	0	0	"
27.	Angrai bark	0	2	0	0	"
28.	Agilla wood	2	0	0	0	"
29.	Ray skins	3	0	0	0	"
30.	Old deers' horns	0	1	0	0	"
31.	Soft or young ditto	10 per cent.				
32.	Deer hides, fine	8	0	0	0	per 100 hides.
33.	Ditto, common	3	0	0	0	"
34.	Deer sinews	4	0	0	0	per pecul.
35.	Buffalo and cow hides	1	0	0	0	"
36.	Elephants' bones	1	0	0	0	"
37.	Tigers' bones	5	0	0	0	"
38.	Buffalo horns	0	1	0	0	"
39.	Elephants' hides	0	1	0	0	"
40.	Tigers' skins	0	1	0	0	per skin.
41.	Armadillo skins	4	0	0	0	per pecul.
42.	Stick lac	1	1	0	0	"
43.	Hemp	1	2	0	0	"
44.	Dried fish, paheng	1	2	0	0	"
45.	Ditto, plasalit	1	0	0	0	"
46.	Sapan wood	0	2	1	0	"
47.	Salt meat	2	0	0	0	"
48.	Mangrove bark	0	1	0	0	"
49.	Rosewood	0	2	0	0	"
50.	Ebony	1	1	0	0	"
51.	Rice	4	0	0	0	per royan.

Export duty.

SECTION II. The undermentioned articles, being subject to the inland or transit duties herein named, and which shall not be increased, shall be exempt from export duty.

Articles paying inland duties only.

	Tical.	Salung.	Fuang.	Hun.	
Inland duty. 52. Sugar, white....	0	2	0	0	per pecul.
53. Ditto, red	0	1	0	0	"
54. Cotton, cleaned and uncleaned.....10 per cent.					
55. Pepper.....	1	0	0	0	"
56. Salt fish, platu.....	1	0	0	0	per 10,000 fish.
57. Beans and peas.....					one-twelfth.
58. Dried prawns					one-twelfth.
59. Tilseed.....					one-twelfth.
60. Silk, raw.....					one-twelfth.
61. Beeswax					one-fifteenth.
62. Tallow	1	0	0	0	per pecul.
63. Salt.....	6	0	0	0	per royan.
64. Tobacco.....	1	2	0	0	per 1,000 bundles.

Unenumerated articles to be free of duty.

SECTION III. All goods or produce unenumerated in this tariff shall be free of export duty, and shall only be subject to one inland tax or transit duty, not exceeding the rate now paid.

[L. S.] TOWNSEND HARRIS.
[L. S.] [L. S.] [L. S.] [L. S.] [L. S.] *

SIAM, 1867.

MODIFICATION, CONCLUDED DECEMBER 17-31, 1867, TO TREATY BETWEEN THE UNITED STATES AND SIAM OF MAY 29, 1856. RATIFIED AUGUST 11, 1868, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE.

No. 72.] UNITED STATES CONSULATE,
Bangkok, Decr. 31st, 1867.

To Hon. F. W. SEWARD,
Assistant Secretary of State, Washington, D. C.

SIR: I have the honor to inform the Department that I have received a letter from His Excellency Chaw Phaya Praklang, Minister of Foreign Affairs, informing me that the Royal Counsellors for the Kingdom of Siam desire to change article first of the Treaty Regulations, and that the change shall go into effect on January 1st, 1868. The article alluded to is as follows, viz:

"Every shipmaster upon anchoring his vessel at Paknam will deliver into the custody of the custom-house officers all his guns and ammunition, and a custom-house officer will then be appointed to the vessel, and will proceed in her to Bangkok."

The article as changed will require that the powder alone be left at Paknam, but that the guns be allowed to remain in the vessel. I have given my assent to the change, and all the other Consuls have done the same.

The change is a very advantageous one to shipmasters, as in [the] shipping and reshipping of their guns, some of which were heavy, was attended with much delay and expense; whereas they generally have

* Signatures of Siamese Plenipotentiaries.

but a few pounds of powder on board, which can be boxed up and put ashore in a very short time.

I have the honor to be, sir, your obedient servant,

J. M. HOOD,
U. S. Consul.

CHAW PHAYA PRAKLANG, MINISTER OF FOREIGN AFFAIRS OF THE KINGDOM OF SIAM,

To Mr. J. M. HOOD, *U. S. Consul*,

Saying: That the Senabodee of the Kingdom of Siam have considered this matter, and have come to the conclusion that as they saw that Siam was near the water, and that trading ships could ascend to the city, for this reason they asked a clause in the treaties that all guns and powder should be landed at Paknam before the ship would ascend the river. The Ministers Plenipotentiary also were of the same opinion, and yielded this point to the Siamese in the treaties.

When a vessel came in and the Chaw Pausk-nan at Paknam received the guns and powder off the vessel *that* [they] found it very difficult to take care of the powder, and were afraid of an explosion, and for this reason they did not receive the powder from the vessel, but simply the guns. But now a long time since the Senabodee are of the opinion that the taking off of the guns at Paknam is a source of trouble to the vessels, for they took off guns belonging to many persons, and when the vessels *come* [came] down again it was often after night, and when the captains went for their guns the wrong ones were frequently taken, and when the vessel coming afterwards could not find her own guns, there was a fuss, and the Siamese officers had frequently to pay for the guns. Again, the powder was left in the vessels, and they coming up and anchoring in the river, there was danger of an explosion and injury to the citizens here.

Therefore the Senabodee have ordered me to write to all the Consuls and ask that the custom be changed from January 1st, 1868. We ask to take out the powder of the vessels at Paknam, but the guns can be left in the vessels and need not be taken out. If you are also of the same opinion, you will please inform masters of vessels and others under your protection to this effect. When the vessel comes to Paknam let them take out all the powder, but if they refuse to let the powder be taken out, and it remains in the vessel, and there arises any difficulty from that fact, we [beg to] claim indemnity according to the treaty.

Given Tuesday, December 17th, 1867.

SPAIN.

SPAIN, 1795.

TREATY OF FRIENDSHIP, LIMITS, AND NAVIGATION, BETWEEN THE UNITED STATES OF AMERICA AND THE KING OF SPAIN. CONCLUDED OCTOBER 27, 1795; RATIFICATIONS EXCHANGED APRIL 25, 1796; PROCLAIMED AUGUST 2, 1796.

His Catholic Majesty and the United States of America, desiring to consolidate, on a permanent basis, the friendship and good correspondence which happily prevails between the two parties, have determined to establish, by a convention, several points, the settlement whereof will be productive of general advantage and reciprocal utility to both nations.

With this intention, His Catholic Majesty has appointed the most excellent Lord Don Manuel de Godoy, and Alvarez de Faria, Rios, Sanchez, Zarzosa, Prince de la Paz, Duke de la Alcudia, Lord of the Soto de Roma, and of the State of Albalá, Grandee of Spain of the first class, perpetual Regidor of the citty of Santiago, Knight of the illustrious Order of the Golden Fleece, and Great Cross of the Royal and distinguished Spanish Order of Charles the III, Commander of Valencia del Ventoso, Rivera, and Acenchal in that of Santiago; Knight and Great Cross of the religious Order of St. John; Counsellor of State; first Secretary of State and Despacho; Secretary to the Queen; Superintendant General of the Posts and Highways; Protector of the Royal Academy of the Noble Arts, and of the Royal Societies of Natural History, Botany, Chemistry, and Astronomy; Gentleman of the King's Chamber in employment; Captain General of his Armies; Inspector and Major of the Royal Corps of Body Guards, &a., &a., &a., and the President of the United States, with the advice and consent of their Senate, has appointed Thomas Pinckney, a citizen of the United States, and their Envoy Extraordinary to His Catholic Majesty. And the said Plenipotentiaries have agreed upon and concluded the following articles:

ARTICLE I.

Peace established.

There shall be a firm and inviolable peace and sincere friendship between His Catholic Majesty, his successors and subjects, and the United States and their citizens, without exception of persons or places.

ARTICLE II.

Boundary line.

To prevent all disputes on the subject of the boundaries which separate the territories of the two high contracting parties, it is hereby declared and agreed as follows, to wit: The southern boundary of the United States, which divides their territory from the Spanish colonies of East and West Florida, shall be designated by a line beginning on the River Mississippi, at the northernmost part of the thirty-first degree of latitude north of the equator, which from thence shall be drawn due east to the middle of the River Apalachicola, or Catahouche, thence along the middle thereof to its junction with the

Flint; thence straight to the head of St. Mary's River, and thence down the middle thereof to the Atlantic Ocean. And it is agreed that if there should be any troops, garrisons, or settlements of either party in the territory of the other, according to the above-mentioned boundaries, they shall be withdrawn from the said territory within the term of six months after the ratification of this treaty, or sooner if it be possible; and that they shall be permitted to take with them all the goods and effects which they possess.

ARTICLE III.

In order to carry the preceding article into effect, one Commissioner and one Surveyor shall be appointed by each of the contracting parties, who shall meet at the Natchez, on the left side of the River Mississippi, before the expiration of six months from the ratification of this convention, and they shall proceed to run and mark this boundary according to the stipulations of the said article. They shall make plats and keep journals of their proceedings, which shall be considered as part of this convention, and shall have the same force as if they were inserted therein. And if on any account it should be found necessary that the said Commissioners and Surveyors should be accompanied by guards, they shall be furnished in equal proportions by the commanding officer of His Majesty's troops in the two Floridas, and the commanding officer of the troops of the United States in their southwestern territory, who shall act by common consent, and amicably, as well with respect to this point as to the furnishing of provisions and instruments, and making every other arrangement which may be necessary or useful for the execution of this article.

ARTICLE IV.

It is likewise agreed that the western boundary of the United States which separates them from the Spanish colony of Louissiana, is in the middle of the channel or bed of the River Mississippi, from the northern boundary of the said States to the completion of the thirty-first degree of latitude north of the equator. And His Catholic Majesty has likewise agreed that the navigation of the said river, in its whole breadth from its source to the ocean, shall be free only to his subjects and the citizens of the United States, unless he should extend this privilege to the subjects of other Powers by special convention.

ARTICLE V.

How each nation shall conduct with Indians.

The two high contracting parties shall, by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the country adjacent to the lines and rivers, which, by the preceding articles, form the boundaries of the two Floridas. And the bet[t]er to obtain this effect, both parties oblige themselves expressly to restrain by force all hostilities on the part of the Indian nations living within their boundaries: so that Spain will not suffer her Indians to attack the citizens of the United States, nor the Indians inhabiting their territory; nor will the United States permit these last-mentioned Indians to commence hostilities against the subjects of His Catholic Majesty or his Indians, in any manner whatever.

And whereas several treaties of friendship exist between the two contracting parties and the said nations of Indians, it is hereby agreed that in future no treaty of alliance, or other whatever, (except treaties of

peace,) shall be made by either party with the Indians living within the boundary of the other, but both parties will endeavour to make the advantages of the Indian trade common and mutually beneficial to their respective subjects and citizens, observing in all things the most complete reciprocity; so that both parties may obtain the advantages arising from a good understanding with the said nations, without being subject to the expence which they have hitherto occasioned.

Article VI.

Each party shall endeavour, by all means in their power, to protect and defend all vessels and other effects belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction by sea or by land, and shall use all their efforts to recover, and cause to be restored to the right owners, their vessels and effects which may have been taken from them within the extent of their said jurisdiction, whether they are at war or not with the Power whose subjects have taken possession of the said effects.

Each nation to protect the vessels of the other in their jurisdiction.

Article VII.

And it is agreed that the subjects or citizens of each of the contracting parties, their vessels or effects, shall not be liable to any embargo or detention on the part of the other, for any military expedition or other public or private porpose whatever; and in all cases of seizure, detention, or arrest for debts contracted, or offences commit[t]ed by any citizen or subject of the one party within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases. The citizens and subjects of both parties shall be allowed to employ such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their affairs, and in all their trials at law, in which they may be concerned, before the tribunals of the other party; and such agents shall have free access to be present at the proceedings in such causes, and at the taking of all examinations and evidence which may be exhibited in the said trials.

Embargo.

Seizure for debts or crimes.

Article VIII.

In case the subjects and inhabitants of either party, with their shipping, whether public and of war, or private and of merchants, be forced, through stress of weather, pursuit of pirates or enemies, or any other urgent necessity, for seeking of shelter and harbor, to retreat and enter into any of the rivers, bays, roads, or ports belonging to the other party, they shall be received and treated with all humanity, and enjoy all favor, protection, and help, and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals and all things needful for the sustenance of their persons, or reparation of their ships and prosecution of their voyage; and they shall no ways be hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

Vessels forced into port by stress of weather.

Article IX.

All ships and merchandize, of what nature soever, which shall be

rescued out of the hands of any pirates or robbers on the high seas, shall be brought into some port of either state, and shall be delivered to the custody of the officers of that port, in order to be taken care of, and restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof.

Property taken from pirates to be restored.

ARTICLE X.

When any vessel of either party shall be wrecked, foundered, or otherwise damaged, on the coasts or within the dominion of the other, their respective subjects or citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case; and if the operations of repair would require that the whole or any part of the cargo be unladen, they shall pay no duties, charges, or fees on the part which they shall relade and carry away.

Vessels wrecked or foundered.

ARTICLE XI.

The citizens and subjects of each party shall have power to dispose of their personal goods, within the jurisdiction of the other, by testament, donation, or otherwise, and their representatives being subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases.

Estates of deceased persons.

And in case of the absence of the representative, such care shall be taken of the said goods, as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them. And if questions shall arise among several claimants to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of the one party, such real estate would by the laws of the land descend on a citizen or subject of the other, were he not disqualified by being an alien, such subjects shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all rights of detraction on the part of the Government of the respective States.

ARTICLE XII.

The merchant-ships of either of the parties which shall be making into a port belonging to the enemy of the other party, and concerning whose voyage, and the species of goods on board her, there shall be just grounds of suspicion, shall be obliged to exhibit as well upon the high seas as in the ports and havens, not only her passports, but likewise certificates, expressly shewing that her goods are not of the number of those which have been prohibited as contraband.

Vessels suspected shall exhibit passports and certificates.

ARTICLE XIII.

For the better promoting of commerce on both sides, it is agreed, that if a war shall break out between the said two nations, one year after the proclamation of war shall be allowed to

In case of war.

the merchants, in the cities and towns where they shall live, for collecting and transporting their goods and merchandizes: And if anything be taken from them or any injury be done them within that term, by either party, or the people or subjects of either, full satisfaction shall be made for the same by the Government.

ARTICLE XIV.

Arming privateers.

No subject of His Catholic Majesty shall apply for, or take any commission or letters of marque, for arming any ship or ships to act as privateers against the said United States, or against the citizens, people, or inhabitants of the said United States, or against the property of any of the inhabitants of any of them, from any Prince or State with which the said United States shall be at war.

Nor shall any citizen, subject, or inhabitant of the said United States apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the subjects of His Catholic Majesty, or the property of any of them, from any Prince or State with which the said King shall be at war. And if any person of either nation shall take such commissions or letters of marque, he shall be punished as a pirate.

ARTICLE XV.

Liberty of trade.

It shall be lawful for all and singular the subjects of His Catholic Majesty, and the citizens, people, and inhabitants of the said United States, to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandizes laden thereon, from any port to the places of those who now are, or hereafter shall be, at enmity with His Catholic Majesty or the United States. It shall be likewise lawful for the subjects and inhabitants aforesaid, to sail with the ships and merchandizes aforementioned, and to trade with the same liberty and security from the places, ports, and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy aforementioned, to neutral places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of the same Prince or under several; and it is hereby stipulated that free ships shall also give freedom to goods, and that everything shall be deemed free and exempt which shall be found on board the ships belonging to the subjects of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either; contraband goods being always excepted. It is also agreed that the same liberty be extended to persons who are on board a free ship, so that, although they be enemies to either party, they shall not be made prisoners or taken out of that free ship, unless they are soldiers and in actual service of the enemies.

Free ships make free goods, excepting contraband.

ARTICLE XVI.

Contraband articles.

This liberty of navigation and commerce shall extend to all kinds of merchandizes, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods, shall be comprehended arms, great guns, bombs, with the fusees, and other things belonging to them, cannon-ball, gunpowder, match, pikes, swords, lances, speards, halberds, mortars, petards, granades, salpetre, muskets, musket-balls, bucklers, helmets, breastplates, coats of mail, and the like kind of arms proper for arming sol-

diers, musket-rests, belts, horses with their furniture, and all other warlike instruments whatever. These merchandizes which follows shall not be reckoned among contraband or prohibited goods: That is to say, all sorts of cloths, and all other manufactures woven of any wool, flax, silk, cotton, or any other materials whatever; all kinds of wearing ap[p]arel, together with all species whereof they are used to be made; gold and silver, as well coined as uncoined, tin, iron, latton, copper, brass, coals, as also wheat, barley, oats, and any other kind of corn and pulse; tobacco, and likewise all manner of spices, salted and smoked flesh, salted fish, cheese and butter, beer, oils, wines, sugars, and all sorts of salts, and in general all provisions which serve for the sustenance of life. Furthermore, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail-cloths, anchors, and any parts of anchors; also ships' masts, planks, wood of all kind, and all other things proper either for building or repairing ships, and all other goods whatever which have not been worked into the form of any instrument prepared for war, by land or by sea, shall not be reputed contraband, much less such as have been already wrought and made up for any other use; all which shall be whol[l]y reckoned among free goods, as likewise all other merchandizes and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods; so that they may be transported and carried in the freest manner by the subjects of both parties, even to places belonging to an enemy, such towns or places being only excepted as are at that time besieged, blocked up, or invested. And except the cases in which any ship of war or squadron shall, in consequence of storms or other accidents at sea, be under the necessity of taking the cargo of any trading vessel or vessels, in which case they may stop the said vessel or vessels, and furnish themselves with necessaries, giving a receipt, in order that the Power to whom the said ship of war belongs may pay for the articles so taken according to the price thereof, at the port to which they may appear to have been destined by the ship's papers: and the two contracting parties engage, that the vessels shall not be detained longer than may be absolutely necessary for their said ships to supply themselves with necessaries; that they will immediately pay the value of the receipts, and indemnify the proprietor for all losses which he may have sustained in consequence of such transaction.

Article XVII.

Passports and sea-letters.

To the end that all manner of dissentions and quar[r]els may be avoided and prevented on one side and the other, it is agreed, that in case either of the parties hereto should be engaged in a war, the ships and vessels belonging to the subjects or people of the other party must be furnished with sea-letters or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby that the ship really and truly belongs to the subjects of one of the parties, which passport shall be made out and granted according to the form annexed to this treaty.* They shall likewise be recalled every

*The form of passport referred to in this article is not annexed either to the original treaty signed by the negotiators, or to the copy bearing the ratification of the King of Spain, on file in the Department of State. *See* The Amiable Isabella, (6 Wheaton's Rep., 1.) It is remarkable, however, that to the Spanish version of the treaty, in vol. 2, page 429, of "Coleccion de los Tratados de Paz," &c., published at Madrid in 1800, "de orden del Rey, en la imprenta real," there is annexed two forms in Spanish for passports; one for ships navigating European seas, the other for those navigating the American seas. These forms will be found in 6th Wheaton's Rep., 97 *et seq.* No explanation of these facts has ever been discovered.

year, that is, if the ship happens to return home within the space of a year.

It is likewise agreed, that such ships being laden, are to be provided not only with passports as above mentioned, but also with certificates, containing the several particulars of the cargo, the place whence the ship sailed, that so it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed in the accustomed form. And if any one shall think it fit or advisable to express in the said certificates the person to whom the goods on board belong, he may freely do so: Without which requisites they may be sent to one of the ports of the other contracting party, and adjudged by the competent tribunal, according to what is above set forth, that all the circumstances of this omission having been well examined, they shall be adjudged to be legal prizes, unless they shall give legal satisfaction of their property by testimony entirely equivalent.

Article XVIII.

If the ships of the said subjects, people, or inhabitants, of either of the parties shall be met with, either sailing along the coasts [or] on the high seas, by any ship of war of the other, or by any privateer, the said ship of war or privateer, for the avoiding of any disorder, shall remain out of cannon-shot, and may send their boats aboard the merchant-ship, which they shall so meet with, and may enter her to number of two or three men only, to whom the master or commander of such ship or vessel shall exhibit his passports, concerning the property of the ship, made out according to the form inserted in this present treaty; and the ship, when she shall have shewed such passports, shall be free and at liberty to pursue her voyage, so as it shall not be lawful to molest or give her chace in any manner, or force her to quit her intended course.

Article XIX.

Consuls.

Consuls shall be reciprocally established, with the privileges and powers which those of the most favoured nations enjoy, in the ports where their Consuls reside or are permitted to be.

Article XX.

Courts of justice.

It is also agreed that the inhabitants of the territories of each party shall respectively have free access to the courts of justice of the other, and they shall be permitted to prosecute suits for the recovery of their properties, the payment of their debts, and for obtaining satisfaction for the damages which they may have sustained, whether the persons whom they may sue be subjects or citizens of the country in which they may be found, or any other persons whatsoever, who may have taken refuge therein; and the proceedings and sentences of the said courts shall be the same as if the contending parties had been subjects or citizens of the said country.

Article XXI.

Illegal captures of vessels by Spanish subjects.

In order to terminate all differences on account of the losses sustained by the citizens of the United States in consequence of their vessels and cargoes having been taken by the subjects of His Catholic Majesty, during the late war between

Spain and France, it is agreed that all such cases shall be referred to the final decision of Commissioners, to be appointed in the following manner. His Catholic Majesty shall name one Commissioner, and the President of the United States, by and with the advice and consent of their Senate, shall appoint another, and the said two Commissioners shall agree on the choice of a third, or if they cannot agree so, they shall each propose one person, and of the two names so proposed, one shall be drawn by lot in the presence of the two original Commissioners, and the person whose name shall be so drawn shall be the third Commissioner; and the three Commissioners so appointed shall be sworn impartially to examine and decide the claims in question, according to the merits of the several cases, and to justice, equity, and the laws of nations. The said Commissioners shall meet and sit at Philadelphia; and in the case of the death, sickness, or necessary absence of any such Commissioner, his place shall be supplied in the same manner as he was first appointed, and the new Commissioner shall take the same oaths, and do the same duties. They shall receive all complaints and applications authorized by this article, during eighteen months from the day on which they shall assemble. They shall have power to examine all such persons as come before them on oath or affirmation, touching the complaints in question, and also to receive in evidence all written testimony, authenticated in such manner as they shall think proper to require or admit. The award of the said Commissioners, or any two of them, shall be final and conclusive, both as to the justice of the claim and the amount of the sum to be paid to the claimants; and His Catholic Majesty undertakes to cause the same to be paid in specie, without deduction, at such times and places, and under such conditions as shall be awarded by the said Commissioners.

Commissioners to ascertain the same.

Article XXII.

The two high contracting parties, hopping that the good correspondence and friendship which happily reigns between them will be further increased by this treaty, and that it will contribute to augment their prosperity and opulence, will in future give to their mutual commerce all the extension and favor which the advantage of both countries may require.

And in consequence of the stipulations contained in the IV article, His Catholic Majesty will permit the citizens of the United States, for the space of three years from this time, to deposit their merchandize and effects in the port of New-Orleans, and to export them from thence without paying any other duty than a fair price for the hire of the stores; and His Majesty promises either to continue this permission, if he finds during that time that it is not prejudicial to the interests of Spain, or if he should not agree to continue it there, he will assign to them on another part of the banks of the Mississippi an equivalent establishment.

Spain permits citizens of United States to deposit goods at New Orleans.

Article XXIII.

The present treaty shall not be in force untill ratified by the contracting parties, and the ratifications shall be exchanged in six months from this time, or sooner if possible.

In witness whereof we, the underwritten Plenipotentiaries of His Catholic Majesty and of the United States of America, have signed this

present treaty of friendship, limits, and navigation, and have thereunto affixed our seals respectively.

Done at San Lorenzo el Real, this seven and twenty day of October, one thousand seven hundred and ninety-five.

THOMAS PINCKNEY. [L. S.]
EL PRINCIPE DE LA PAZ. [L. S.]

SPAIN, 1802.

CONVENTION BETWEEN HIS CATHOLIC MAJESTY AND THE UNITED STATES OF AMERICA, FOR THE INDEMNIFICATION OF THOSE WHO HAVE SUSTAINED LOSSES, DAMAGES, OR INJURIES IN CONSEQUENCES OF THE EXCESSES OF INDIVIDUALS OF EITHER NATION DURING THE LATE WAR, CONTRARY TO THE EXISTING TREATY OR THE LAWS OF NATIONS. CONCLUDED AUGUST 11, 1802; RATIFIED BY THE UNITED STATES JANUARY 9, 1804, AND BY THE KING OF SPAIN JULY 9, 1818; RATIFICATIONS EXCHANGED DECEMBER 21, 1818; PROCLAIMED DECEMBER 22, 1818.*

The parties wish to adjust claims amicably.

His Catholic Majesty and the Government of the United States of America, wishing amicably to adjust the claims which have arisen from the excesses committed during the late war, by individuals of either nation, contrary to the laws of nations or the treaty existing between the two countries; His Catholic Majesty has given, for this purpose, full powers to His Excellency Dn Pedro Cevallos, Councellor of State, Gentleman of the Bed-Chamber in employment, first Secretary of State and Universal Despatch, and Superintendent General of the Posts and Post-Offices in Spain and the Indies; and the Government of the United States of America to Charles Pinckney, a citizen of the said States, and their Minister Plenipotentiary near His Catholic Majesty; who have agreed as follows:

Five commissioners to be appointed.

1st. A Board of Commissioners shall be formed, composed of five Commissioners, two of whom shall be appointed by His Catholic Majesty, two others by the Government of the United States, and the fifth by common consent; and in case they should not be able to agree on a person for the fifth Commissioner, each party shall name one, and leave the decision to lot; and hereafter, in case of the death, sickness, or necessary absence of any of those already appointed, they shall proceed in the same manner to the appointment of persons to replace them.

Commissioners to take an oath.

2d. The appointment of the Commissioners being thus made, each one of them shall take an oath to examine, discuss, and decide on the claims, which they are to judge, according to the laws of nations and the existing treaty, and with the impartiality justice may dictate.

Commissioners to meet at Madrid.

3rd. The Commissioners shall meet and hold their sessions in Madrid, where, within the term of eighteen months (to be reckoned from the day on which they may assemble) they shall receive all claims which, in consequence of this convention, may be made, as well by the subjects of His Catholic Majesty as by citizens of the United States of America, who may have a right to demand compensa-

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* This convention was annulled by the tenth article of the treaty with Spain of February 22, 1819, *post*.

tion for the losses, damages, or injuries sustained by them, in consequence of the excesses committed by Spanish subjects or American citizens.

4th. The Commissioners are authorized, by the said contracting parties, to hear and examine, on oath, every question relative to the said demands, and to receive as worthy of credit all testimony the authenticity of which cannot reasonably be doubted.

Commissioners may examine every question on oath.

5th. From the decisions of the Commissioners there shall be no appeal; and the agreement of three of them shall give full force and effect to their decisions, as well with respect to the justice of the claims as to the amount of the indemnification which may be adjudged to the claimants; the said contracting parties obliging themselves to satisfy the said awards in specie, without deduction, at the times and places pointed out, and under the conditions which may be expressed by the Board of Commissioners.

No appeal from the Commissioners.

Awards.

6th. It not having been possible for the said Plenipotentiaries to agree upon a mode by which the above-mentioned Board of Commissioners should arbitrate the claims originating from the excesses of foreign cruizers, agents, Consuls, or tribunals, in their respective territories, which might be imputable to their two Governments, they have expressly agreed that each Government shall reserve (as it does by this convention) to itself, its subjects or citizens respectively, all the rights which they now have, and under which they may hereafter bring forward their claims, at such times as may be most convenient to them.

Rights founded on claims from excesses of foreign cruisers.

7th. The present convention shall have no force or effect until it be ratified by the contracting parties, and the ratifications shall be exchanged as soon as possible.

Convention effective on exchange of ratifications.

In faith whereof we, the underwritten Plenipotentiaries, have signed this convention, and have affixed thereto our respective seals.

Done at Madrid this 11th day of August, 1802.

PEDRO CEVALLOS. [L. S.]
CHARLES PINCKNEY. [L. S.]

SPAIN, 1819.

TREATY OF AMITY, SETTLEMENT, AND LIMITS BETWEEN THE UNITED STATES OF AMERICA AND HIS CATHOLIC MAJESTY. CONCLUDED FEBRUARY 22, 1819; RATIFICATIONS EXCHANGED FEBRUARY 22, 1821; PROCLAIMED FEBRUARY 22, 1821.(*a*) ALSO, RATIFICATION OF THE SAME BY THE KING OF SPAIN, OCTOBER 24, 1820.

The United States of America and His Catholic Majesty, desiring to consolidate, on a permanent basis, the friendship and good correspondence which happily prevails between the two parties, have determined to settle and terminate all their

Mutual desire to consolidate friendship, &c.

(*a*) See "An act for carrying into execution the treaty between the United States and Spain, concluded at Washington on the twenty-second day of February, one thousand eight hundred and nineteen," approved March 3, 1821, in Statutes at Large, vol. 3, p. 637.

The decisions of the Supreme Court, in cases arising under this treaty, have been:

By the treaty of St. Ildefonso, made on the first of October, 1800, Spain ceded Louisiana to France; and France, by the treaty of Paris, signed the 30th of April, 1803, ceded it to the United States. Under this treaty the United States claimed the countries between the Iberville and the Perdido. Spain contended that her cession to France comprehended only that territory, which, at the time of the cession, was denominated Louisiana, consisting of the island of New Orleans, and the country which had been

differences and pretensions, by a treaty, which shall designate, with precision, the limits of their respective bordering territories in North America.

Negotiators.

With this intention the President of the United States has furnished with their full powers John Quincy Adams, Secretary of State of the said United States; and His Catholic Majesty has appointed the Most Excellent Lord Don Luis De Onis, Gonzales, Lopez y Vara, Lord of the town of Rayaces, Perpetual Regidor of the Corporation of the city of Salamanca, Knight Grand Cross of the Royal American Order of Isabella the Catholic, decorated with the Lys of La Vendée, Knight Pensioner of the Royal and Distinguished Spanish Order of Charles the Third, Member of the Supreme Assembly of the said Royal Order; of the Council of His Catholic Majesty; His Secretary, with Exercise of Decrees, and His Envoy Extraordinary and Minister Plenipotentiary near the United States of America;

And the said Plenipotentiaries, after having exchanged their powers, have agreed upon and concluded the following articles:

ARTICLE I.

Firm and inviolable peace and friendship.

There shall be a firm and inviolable peace and sincere friendship between the United States and their citizens, and His Catholic Majesty, his successors and subjects, without exception of persons or places.

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originally ceded to her by France west of the Mississippi. The land claimed by the plaintiffs in error, under a grant from the Crown of Spain, made after the treaty of St. Ildefonso, lies within the disputed territory; and this case presents the question, to whom did the country between the Iberville and Perdido belong after the treaty of St. Ildefonso? Had France and Spain agreed upon the boundaries of the retroceded territory before Louisiana was acquired by the United States, that agreement would undoubtedly have ascertained its limits. But the declarations of France, made after parting with the province, cannot be admitted as conclusive. In questions of this character, political considerations have too much influence over the conduct of nations, to permit their declarations to decide the course of an independent government, in a matter vitally interesting to itself. (Foster *et al. v.* Neilson, 2 Peters, 305.)

If a Spanish grantee had obtained possession of the land in dispute, so as to be the defendant, would a court of the United States maintain his title under a Spanish grant, made subsequent to the acquisition of Louisiana, singly on the principle that the Spanish construction of the treaty of St. Ildefonso was right, and the American construction wrong? Such a decision would subvert those principles which govern the relations between the legislative and judicial departments, and mark the limits of each. (*Ibid.*, 309.)

The sound construction of the 8th article of the treaty between the United States and Spain, of the 22d of February, 1819, will not enable the court to apply its provisions to the case of the plaintiff. (*Ibid.*, 314.)

The article does not declare that all the grants made by His Catholic Majesty before the 24th of January, 1818, shall be valid to the same extent as if the ceded territories had remained under his dominion. It does not say that those grants are hereby confirmed. Had such been its language, it would have acted directly on the subject, and it would have repealed those acts of Congress which were repugnant to it; but its language is that those grants shall be ratified and confirmed to the persons in possession, &c. By whom shall they be ratified and confirmed? This seems to be the language of contract; and if it is, the ratification and confirmation which are promised must be the act of the legislature. Until such acts shall be passed, the court is not at liberty to disregard the existing laws on the subject. (*Ibid.*)

By the treaty by which Louisiana was acquired, the United States stipulated that the inhabitants of the ceded territories should be protected in the free enjoyment of their property. The United States, as a just nation, regard this stipulation as the avowal of a principle which would have been held equally sacred, although it had not been inserted in the treaty. (Soulard *et al. v.* The United States, 4 Peters, 511.)

The term property, as applied to lands, comprehends every species of title, inchoate or complete. It is supposed to embrace those rights which lie in contract; those which are executory, as well as those which are executed. In this respect, the relation of the

ARTICLE II.

His Catholic Majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him, situated to the eastward of the Mississippi, known by the name of East and West Florida. The adjacent islands dependent on said provinces, all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings, which are not private property, archives and documents, which relate directly to the property and sovereignty of said provinces, are included in this article. The said archives and documents shall be left in possession of the commissaries or officers of the United States, duly authorized to receive them.

His Catholic Majesty.

ARTICLE III.

The boundary line between the two countries, west of the Mississippi, shall begin on the Gulph of Mexico, at the mouth of the river Sabine, in the sea, continuing north along the western bank of that river, to the 32d degree of latitude; thence, by a line due north, to the degree of latitude where it strikes the Rio Roxo of Nachitoches, or Red River; then, following the course of the Rio Roxo westward, to the degree of longitude 100 west from London and 23 from Washington; then, crossing the said Red River, and running thence, by a line due north, to the river Arkansas; thence, following the course

Boundary.

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inhabitants of Louisiana to their government is not changed. The new government takes the place of that which has passed away. (*Ibid.*)

The stipulations of the treaty ceding Louisiana to the United States, affording that protection or security to claims under the French or Spanish government to which the act of Congress refers, are in the first, second, and third articles. They extended to all property, until Louisiana became a member of the Union; into which the inhabitants were to be incorporated as soon as possible, "and admitted to all the rights, advantages, and immunities of citizens of the United States." The perfect inviolability and security of property is among these rights. (Delassus *v.* The United States, 9 Peters, 117.)

The right of property is protected and secured by the treaty, and no principle is better settled in this country than that an inchoate title to lands is property. This right would have been sacred, independent of the treaty. The sovereign who acquires an inhabited country, acquires full dominion over it; but this dominion is never supposed to divest the vested rights of individuals to property. The language of the treaty ceding Louisiana excludes any idea of interfering with private property. (*Ibid.*)

After the acquisition of Florida by the United States, in virtue of the treaty with Spain of 22d of February, 1819, various acts of Congress were passed for the adjustment of private land-claims within the ceded territory. The tribunals authorized to decide on them were not authorized to settle any which exceeded a league square; on those exceeding that quantity they were directed to report, especially, their opinion for the future action of Congress. The lands embraced in the larger claims were defined by surveys, and plats retained. These were reserved from sale, and remained unsettled until some resolution should be adopted for a final adjudication of them, which was done by the passage of the law of the 23d May, 1828. By the sixth section it was provided "that all claims to land within the Territory of Florida, embraced by the treaty, which shall not be finally decided and settled under the provisions of the same law, containing a greater quantity of land than the commissioners were authorized to decide, and above the amount confirmed by the act, and which have not been reported as antedated or forged, shall be received and adjudicated by the judges of the superior court of the district in which the land lies, upon the petition of the claimant, according to the forms, rules and regulations, conditions, restrictions, and regulations prescribed to the district judge, and to the claimants, by the act of 26th May, 1824." By a proviso, all claims annulled by the treaty, and all claims not presented to the commissioners, &c., according to the acts of Congress, were excluded. (United States *v.* Arredondo *et al.*, 6 Peters, 706.)

The validity of concessions of land, by the authorities of Spain in East Florida, is expressly recognized in the Florida treaty, and in the several acts of Congress. (*Ibid.*)

The eighth article allows the owners of land the same time for fulfilling the conditions of their grants from the date of the treaty, as is allowed in the grant from the

of the southern bank of the Arkansas, to its source, in latitude 42 north; and thence, by that parallel of latitude, to the South Sea. The whole being as laid down in Melish's map of the United States, published at Philadelphia, improved to the first of January, 1818. But if the source of the Arkansas River shall be found to fall north or south of latitude 42, then the line shall run from the said source due south or north, as the case may be, till it meets the said parallel of latitude 42, and thence, along the said parallel, to the South Sea: All the islands in the Sabine, and the said Red and Arkansas Rivers, throughout the course thus described, to belong to the United States; but the use of the waters, and the navigation of the Sabine to the sea, and of the said rivers Roxo and Arkansas, throughout the extent of the said boundary, on their respective banks, shall be common to the respective inhabitants of both nations.

The two high contracting parties agree to cede and renounce all their rights, claims, and pretensions, to the territories described by the said line, that is to say: The United States hereby cede to His Catholic Majesty, and renounce forever, all their rights, claims, and pretensions, to the territories lying west and south of the above-described line; and, in like manner, His Catholic Majesty cedes to the said United States all his rights, claims, and pretensions to any territories east and north of the said line, and for himself, his heirs, and successors, renounces all claim to the said territories forever.

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date of the instrument. And the act of the 8th of May, 1822, requires every person claiming title to lands under any patent, grant, concession, or order of survey dated previous to the 24th of January, 1818, to file his claim before the commissioners appointed in pursuance of that act. All the subsequent acts on the subject observe the same language; and the titles under these concessions have been uniformly confirmed when the tract did not exceed a league square. (*Ibid.*)

A claim to lands in East Florida, the title to which was derived from grants by the Creek and Seminole Indians, ratified by the local authorities of Spain before the cession of Florida by Spain to the United States was confirmed. It was objected to the title claimed in this case, which had been presented to the superior court of Middle Florida, under the provisions of the acts of Congress for the settlement of land-claims in Florida, that the grantees did not acquire, under the Indian grants, a legal title to the land: *Held*, That the acts of Congress submit these claims to the adjudication of this court as a court of equity; and those acts, as often and uniformly construed in its repeated decisions, confer the same jurisdiction over imperfect, inchoate, and inceptive titles, as legal and perfect ones, and require the court to decide by the same rules on all claims submitted to it, whether legal or equitable. (Mitchell *et al. v.* The United States, 9 Peters, 711.)

Under the Florida treaty, grants of land made before the 24th January, 1818, by His Catholic Majesty, or by his lawful authorities, stand ratified and confirmed to the same extent that the same grants would be valid, if Florida had remained under the dominion of Spain; and the owners of conditional grants, who have been prevented from fulfilling all the conditions of their grants, have time by the treaty extended to them to complete such conditions. That time, as was declared by the Supreme Court in Arredondo's case, 6 Peters, 478, began to run in regard to individual rights from the ratification of the treaty; and the treaty declares, if the conditions are not complied with, within the terms limited in the grant, that the grants shall be null and void. (United States *v.* Kingsley, 12 Peters, 476.)

The treaty with Spain by which Florida was ceded to the United States, is the law of the land, and admits the inhabitants of Florida to the enjoyment of the privileges, rights, and immunities of the citizens of the United States. They do not, however, participate in political power; they do not share in the government until Florida shall become a State. In the mean time Florida continues to be a Territory of the United States, governed by virtue of that clause in the Constitution which empowers "Congress to make all needful rules and regulations respecting the territory or other property belonging to the United States." (American Ins. Co. *v.* Three Hundred and Fifty-six Bales of Cotton, 1 Peters, 542.)

The object of the treaty with Spain, which ceded Florida to the United States, dated 22d February, 1819, was to invest the commissioners with full power and authority to receive, examine, and decide upon the amount and validity of asserted claims upon Spain, for damages and injuries. Their decision, within the scope of this authority, is

ARTICLE IV.

To fix this line with more precision, and to place the landmarks which shall designate exactly the limits of both nations, each of the contracting parties shall appoint a Commissioner and a surveyor, who shall meet before the termination of one year from the date of the ratification of this treaty at Nachitoches, on the Red River, and proceed to run and mark the said line, from the mouth of the Sabine to the Red River, and from the Red River to the river Arkansas, and to ascertain the latitude of the source of the said river Arkansas, in conformity to what is above agreed upon and stipulated, and the line of latitude 42, to the South Sea: they shall make out plans, and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this treaty, and shall have the same force as if it were inserted therein. The two Governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary.

A Commissioner and surveyor to run the boundary line.

ARTICLE V.

The inhabitants of the ceded territories shall be secured in the free exercise of their religion, without any restriction; and all those who may desire to remove to the Spanish dominions

Religion.

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conclusive and final, and is not re-examinable. The parties must abide by it as a decree of a competent tribunal of exclusive jurisdiction. A rejected claim cannot be brought again under review, in any judicial tribunal. But it does not naturally follow that this authority extends to adjust all conflicting rights of different citizens to the fund so awarded. The commissioners are to look to the original claim for damages and injuries against Spain itself; and it is wholly immaterial who is the legal or equitable owner of the claim, provided he is an American citizen. (Comegys *et al. v.* Vasse, 1 Peters, 212.)

After the validity and amount of the claim has been ascertained by the award of the commissioners, the rights of the claimant to the fund, which has passed into his hands and those of others, are left to the ordinary course of judicial proceedings in the established courts of justice. (*Ibid.*)

The treaty with Spain recognized an existing right in the aggrieved parties to compensation; and did not, in the most remote degree, turn upon the notion of donation or gratuity. It was demanded by our Government as matter of right, and as such was granted by Spain. (*Ibid.*, 217.)

The right to compensation from Spain, held under abandonment made to underwriters, and accepted by them for damages and injuries, which were to be satisfied under the treaty by the United States, passed to the assignees of the bankrupt, who held such rights by the provisions of the bankrupt law of the United States, passed April 4, 1800. (*Ibid.*)

The King of Spain was the grantor in the Florida treaty; the treaty was his deed; the exception was made by him; and its nature and effect depended on his intention, expressed by his words, in reference to the thing granted, and the thing reserved and excepted in the grant. The Spanish version was in his words, and expressed his intention; and although the American version showed the intention to be different, the Supreme Court cannot adopt it as a rule to decide what was granted, what excepted, and what reserved. (United States *v.* Arredondo *et al.*, 6 Peters, 741.)

Even in cases of conquest it is very unusual for the conqueror to do more than to displace the sovereign and assume dominion over the country. The modern usage of nations, which has become law, would be violated; that sense of justice and of right, which is acknowledged and felt by the whole civilized world, would be outraged if private property should be generally confiscated, and private rights annulled, on a change in the sovereignty of the country by the Florida treaty. The people change their allegiance, their relation to their ancient sovereign is dissolved, but their relations to each other, and their rights of property remain undisturbed. Had Florida changed its sovereign by an act containing no stipulation respecting the property of individuals, the right of property in all those who became subjects or citizens of the new government would have been unaffected by the change. It would have remained the same as under the ancient sovereign. (United States *v.* Percheman, 7 Peters, 51.)

The language of the second article of the treaty between the United States and

shall be permitted to sell or export their effects, at any time whatever, without being subject, in either case, to duties.

ARTICLE VI.

Inhabitants of the territories.

The inhabitants of the territories which His Catholic Majesty cedes to the United States, by this treaty, shall be incorporated in the Union of the United States, as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States.

ARTICLE VII.

Spanish troops to be withdrawn.

The officers and troops of His Catholic Majesty, in the territories hereby ceded by him to the United States, shall be withdrawn, and possession of the places occupied by them shall be given within six months after the exchange of the ratifications of this treaty, or sooner if possible, by the officers of His Catholic Majesty, to the commissioners or officers of the United States duly appointed to receive them; and the United States shall furnish the transports and escort necessary to convey the Spanish officers and troops and their baggage to the Havana.

ARTICLE VIII.

Grants of land before January 24, 1818.

All the grants of land made before the 24th of January, 1818, by His Catholic Majesty, or by his lawful authorities, in the said territories ceded by His Majesty to the United States, shall be ratified and confirmed to the persons in possession of the lands, to the same extent that the same grants would be valid if the territories

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Spain, of 22d February, 1819, by which Florida was ceded to the United States, conforms to this general principle. (*Ibid.*)

The eighth article of the treaty must be intended to stipulate expressly for the security to private property, which the laws and usages of nations would, without express stipulation, have conferred. No construction which would impair that security, further than its positive words require, would seem to be admissible. Without it, the titles of individuals would remain as valid under the new government as they were under the old. And those titles, so far at least as they were consummated, might be asserted in the courts of the United States, independently of this article. (*Ibid.*)

The treaty was drawn up in the Spanish as well as in the English languages. Both are original, and were unquestionably intended by the parties to be identical. The Spanish has been translated; and it is now understood that the article expressed in that language is, that "the grants shall remain ratified and confirmed to the persons in possession of them, to the same extent," &c., thus conforming exactly to the universally received law of nations. (*Ibid.*)

If the English and Spanish part can, without violence, be made to agree, that construction which establishes this conformity ought to prevail. (*Ibid.*)

No violence is done to the language of the treaty by a construction which conforms the English and Spanish to each other. Although the words "shall be ratified and confirmed," are properly words of contract, stipulating for some future legislation, they are not necessarily so. They may import that "they shall be ratified and confirmed" by force of the instrument itself. When it is observed that in the counterpart of the same treaty, executed at the same time, by the same parties, they are used in this sense, the construction is proper, if not unavoidable. (*Ibid.*)

In the case of Foster v. Neilson, 2 Peters, 253, the Supreme Court considered those words importing a contract. The Spanish part of the treaty was not then brought into view, and it was then supposed there was no variance between them. It was not supposed that there was even a formal difference of expression in the same instrument, drawn up in the language of each party. Had this circumstance been known, it is believed, it would have produced the construction which is now given to the article. (*Ibid.*)

had remained under the dominion of His Catholic Majesty. But the owners in possession of such lands, who, by reason of the recent circumstances of the Spanish nation, and the revolutions in Europe, have been prevented from fulfilling all the conditions of their grants, shall complete them within the terms limited in the same, respectively, from the date of this treaty; in default of which the said grants shall be null and void. All grants made since the said 24th of January, 1818, when the first proposal, on the part of His Catholic Majesty, for the cession of the Floridas was made, are hereby declared and agreed to be null and void.

Grants since January 24, 1818.

ARTICLE IX.

The two high contracting parties, animated with the most earnest desire of conciliation, and with the object of putting an end to all the differences which have existed between them, and of confirming the good understanding which they wish to be forever maintained between them, reciprocally renounce all claims for damages or injuries which they, themselves, as well as their respective citizens and subjects, may have suffered until the time of signing this treaty.

Reciprocal renunciation of claims.

The renunciation of the United States will extend to all the injuries mentioned in the convention of the 11th of August, 1802.

2. To all claims on account of prizes made by French privateers, and condemned by French Consuls, within the territory and jurisdiction of Spain.

Claims.

3. To all claims of indemnities on account of the suspension of the right of deposit at New Orleans in 1802.

4. To all claims of citizens of the United States upon the Government of Spain, arising from the unlawful seizures at sea, and in the ports and territories of Spain, or the Spanish colonies.

5. To all claims of citizens of the United States upon the Spanish Government, statements of which, soliciting the interposition of the Government of the United States, have been presented to the Department of State, or to the Minister of the United States in Spain, since the date of the convention of 1802, and until the signature of this treaty.

The renunciation of His Catholic Majesty extends—

1. To all the injuries mentioned in the convention of the 11th of August, 1802.

2. To the sums which His Catholic Majesty advanced for the return of Captain Pike from the Provincias Internas.

3. To all injuries caused by the expedition of Miranda, that was fitted out and equipped at New York.

4. To all claims of Spanish subjects upon the Government of the United States arizing from unlawful seizures at sea, or within the ports and territorial jurisdiction of the United States.

Finally, to all the claims of subjects of His Catholic Majesty upon the Government of the United States in which the interposition of his Catholic Majesty's Government has been solicited, before the date of this treaty and since the date of the convention of 1802, or which may have been made to the department of foreign affairs of His Majesty, or to his Minister in the United States.

And the high contracting parties, respectively, renounce all claim to indemnities for any of the recent events or transactions of their respective commanders and officers in the Floridas.

The United States will cause satisfaction to be made for the injuries,

Satisfaction by the United States for injuries to inhabitants of Florida.

if any, which, by process of law, shall be established to have been suffered by the Spanish officers, and individual Spanish inhabitants, by the late operations of the American Army in Florida.

ARTICLE X.

Convention of Aug. 11, 1802, annulled.

The convention entered into between the two Governments, on the 11th of August, 1802, the ratifications of which were exchanged the 21st December, 1818, is annulled.

ARTICLE XI.

United States to satisfy claims of their citizens to the amount of $5,000,000.

The United States, exonerating Spain from all demands in future, on account of the claims of their citizens to which the renunciations herein contained extend, and considering them entirely cancelled, undertake to make satisfaction for the same, to an amount not exceeding five millions of dollars. To ascertain the full amount and validity of those claims, a commission, to consist of three Commissioners, citizens of the United States, shall be appointed by the President, by and with the advice and consent of the Senate, which commission shall meet at the city of Washington, and, within the space of three years from the time of their first meeting, shall receive, examine, and decide upon the amount and validity of all the claims included within the descriptions above mentioned. The said Commissioners shall take an oath or affirmation, to be entered on the record of their proceedings, for the faithful and diligent discharge of their duties; and, in case of the death, sickness, or necessary absence of any such Commissioner, his place may be supplied by the appointment, as aforesaid, or by the President of the United States, during the recess of the Senate, of another Commissioner in his stead. The said Commissioners shall be authorized to hear and examine, on oath, every question relative to the said claims, and to receive all suitable authentic testimony concerning the same. And the Spanish Government shall furnish all such documents and elucidations as may be in their possession, for the adjustment of the said claims, according to the principles of justice, the laws of nations, and the stipulations of the treaty between the two parties of 27th October, 1795; the said documents to be specified, when demanded, at the instance of the said Commissioners.

Three Commissioners to be appointed to decide upon claims.

Payment of the claims.

The payment of such claims as may be admitted and adjusted by the said Commissioners, or the major part of them, to an amount not exceeding five millions of dollars, shall be made by the United States, either immediately at their Treasury, or by the creation of stock, bearing an interest of six per cent. per annum, payable from the proceeds of sales of public lands within the territories hereby ceded to the United States, or in such other manner as the Congress of the United States may prescribe by law.

Records of proceedings.

Copies to the Spanish Government.

The records of the proceedings of the said Commissioners, together with the vouchers and documents produced before them, relative to the claims to be adjusted and decided upon by them, shall, after the close of their transactions, be deposited in the Department of State of the United States; and copies of them, or any part of them, shall be furnished to the Spanish Government, if required, at the demand of the Spanish Minister in the United States.

ARTICLE XII.

The treaty of limits and navigation, of 1795, remains confirmed in all and each one of its articles excepting the 2, 3, 4, 21, and the second clause of the 22d article, which, having been altered by this treaty, or having received their entire execution, are no longer valid.

Treaty of 1795 confirmed, with exceptions.

With respect to the 15th article of the same treaty of friendship, limits, and navigation of 1795, in which it is stipulated that the flag shall cover the property, the two high contracting parties agree that this shall be so understood with respect to those Powers who recognize this principle; but if either of the two contracting parties shall be at war with a third party, and the other neutral, the flag of the neutral shall cover the property of enemies whose Government acknowledge this principle, and not of others.

Neutral flag to cover enemies' property, where.

ARTICLE XIII.

Both contracting parties, wishing to favour their mutual commerce, by affording in their ports every necessary assistance to their respective merchant-vessels, have agreed that the sailors who shall desert from their vessels in the ports of the other, shall be arrested and delivered up, at the instance of the Consul, who shall prove, nevertheless, that the deserters belonged to the vessels that claimed them, exhibiting the document that is customary in their nation: that is to say, the American Consul in a Spanish port shall exhibit the document known by the name of articles, and the Spanish Consul in American ports the roll of the vessel; and if the name of the deserter or deserters who are claimed shall appear in the one or the other, they shall be arrested, held in custody, and delivered to the vessel to which they shall belong.

Sailors deserting.

ARTICLE XIV.

The United States hereby certify that they have not received any compensation from France for the injuries they suffered from her privateers, Consuls, and tribunals on the coasts and in the ports of Spain, for the satisfaction of which provision is made by this treaty; and they will present an authentic statement of the prizes made, and of their true value, that Spain may avail herself of the same in such manner as she may deem just and proper.

United States certify that they received no compensation from France for claims.

ARTICLE XV.

The United States, to give to His Catholic Majesty a proof of their desire to cement the relations of amity subsisting between the two nations, and to favour the commerce of the subjects of His Catholic Majesty, agree that Spanish vessels, coming laden only with productions of Spanish growth or manufactures, directly from the ports of Spain, or of her colonies, shall be admitted, for the term of twelve years, to the ports of Pensacola and St. Augustine, in the Floridas, without paying other or higher duties on their cargoes, or of tonnage, than will be paid by the vessels of the United States. During the said term no other nation shall enjoy the same privileges within the ceded territories. The twelve years shall commence three months after the exchange of the ratifications of this treaty.

Spanish vessels laden with Spanish productions.

ARTICLE XVI.

The present treaty shall be ratified in due form, by the contracting parties, and the ratifications shall be exchanged in six months from this time, or sooner if possible.

Ratifications.

In witness whereof we, the underwritten Plenipotentiaries of the United States of America and of His Catholic Majesty, have signed, by virtue of our powers, the present treaty of amity, settlement, and limits, and have thereunto affixed our seals, respectively.

Done at Washington this twenty-second day of February, one thousand eight hundred and nineteen.

JOHN QUINCY ADAMS. [L. S.]
LUIS DE ONIS. [L. S.]

Ratification by His Catholic Majesty, on the twenty-fourth day of October, in the year of our Lord one thousand eight hundred and twenty.*

Ferdinand the Seventh, by the Grace of God and by the constitution of the Spanish monarchy, King of the Spains.

October 24, 1820.

Ratification, by the King of Spain, of the treaty of Feb. 22, 1819.

Whereas on the twenty-second day of February, of the year one thousand eight hundred and nineteen last past, a treaty was concluded and signed in the city of Washington, between Don Luis de Onis, my Envoy Extraordinary and Minister Plenipotentiary, and John Quincy Adams, Esquire, Secretary of State of the United States of America, competently authorized by both parties, consisting of sixteen articles, which had for their object the arrangement of differences and of limits between both Governments and their respective territories, which are of the following form and literal tenor:

[Here follows the above treaty, word for word.]

Therefore, having seen and examined the sixteen articles aforesaid, and having first obtained the consent and authority of the General Cortes of the nation with respect to the cession mentioned and stipulated in the 2d and 3d articles, I approve and ratify all and every one of the articles referred to, and the clauses which are contained in them; and, in virtue of these presents, I approve and ratify them; promising, on the faith and word of a King, to execute and observe them, and to cause them to be executed and observed entirely as if I myself had signed them; and that the circumstance of having exceeded the term of six months, fixed for the exchange of the ratifications in the 16th article, may afford no obstacle in any manner, it is my deliberate will that the present ratification be as valid and firm, and produce the same effects, as if it had been done within the determined period. Desirous at the same time of avoiding any doubt or ambiguity concerning the meaning of the 8th article of the said treaty, in respect to the date which is pointed out in it as the period for the confirmation of the grants of lands in the Floridas, made by me, or by the competent authorities in my royal name, which point of date was fixed in the positive understanding of the three grants of land made in favor of the Duke of Alagon, the Count of Punonrostro, and Don Pedro de Vargas, being annulled by its tenor,

* Translation.

I think proper to declare that the said three grants have remained and do remain entirely annulled and invalid; and that neither the three individuals mentioned, nor those who may have title or interest through them, can avail themselves of the said grants at any time, or in any manner; under which explicit declaration the said 8th article is to be understood as ratified. In the faith of all which I have commanded to despatch these presents. Signed by my hand, sealed with my secret seal, and countersigned by the underwritten my Secretary of Despatch of State.

Given at Madrid, the twenty-fourth of October, one thousand eight hundred and twenty.

FERNANDO.

EVARISTO PEREZ DE CASTRO.

[Copies of the grants annulled by the foregoing treaty will be found in 8 Statutes at Large, page 267, *et seq.*]

SPAIN, 1834.

CONVENTION FOR THE SETTLEMENT OF CLAIMS, BETWEEN THE UNITED STATES OF AMERICA AND HER CATHOLICK MAJESTY. CONCLUDED FEBRUARY 17, 1834; RATIFICATIONS EXCHANGED AT MADRID, AUGUST 14, 1834; PROCLAIMED NOVEMBER 1, 1834.

The Government of the United States of America and Her Majesty the Queen Regent, Governess of Spain during the minority of her august daughter, Her Catholick Majesty Donna Ysabel the 2d, from a desire of adjusting by a definitive arrangement the claims preferred by each party against the other, and thus removing all grounds of disagreement, as also of strengthening the ties of friendship and good understanding which happily subsist between the two nations, have appointed for this purpose, as their respective Plenipotentiaries, namely:

The President of the United States, Cornelius P. Van Ness, a citizen of the said States, and their Envoy Extraordinary and Minister Plenipotentiary near Her Catholick Majesty Donna Ysabel the 2d; and Her Majesty the Queen Regent, in the name and behalf of Her Catholick Majesty Donna Ysabel the 2d, His Excellency Don José de Heredia, Knight Grand Cross of the Royal American Order of Ysabel the Catholick, one of Her Majesty's Supreme Council of Finance, ex-Envoy Extraordinary and Minister Plenipotentiary, and President of the Royal Junta of Appeals of Credits against France;

Who, after having exchanged their respective full powers, have agreed upon the following articles:

ARTICLE I.

Her Majesty the Queen Regent and Governess, in the name and in behalf of Her Catholick Majesty Donna Ysabel the 2d, engages to pay to the United States, as the balance on account of the claims aforesaid, the sum of twelve millions of rials vellon,

Agreement to indemnify United States.

in one or several inscriptions, as preferred by the Government of the United States, of perpetual rents, on the great book of the consolidated debt of Spain, bearing an interest of five per cent. per annum. Said inscription or inscriptions shall be issued in conformity with the model or form annexed to this convention, and shall be delivered in Madrid to such person or persons as may be authorized by the Government of the United States to receive them, within four months after the exchange of the ratifications. And said inscriptions, or the proceeds thereof, shall be distributed by the Government of the United States among the claimants entitled thereto, in such manner as it may deem just and equitable.

ARTICLE II.

Interest to be paid in Paris half-yearly.

The interest of the aforesaid inscription or inscriptions shall be paid in Paris every six months, and the first half-yearly payment is to be made six months after the exchange of the ratifications of this convention.

ARTICLE III.

Claims prior to date of convention.

The high contracting parties, in virtue of the stipulations contained in article first, reciprocally renounce, release, and cancel all claims which either may have upon the other, of whatever class, denomination, or origin they may be, from the twenty-second of February, one thousand eight hundred and nineteen, untill the time of signing this convention.

ARTICLE IV.

List of claims.

On the request of the Minister Plenipotentiary of Her Catholick Majesty at Washington, the Government of the United States will deliver to him, in six months after the exchange of the ratifications of this convention, a note or list of the claims of American citizens against the Government of Spain, specifying their amounts respectively, and three years afterwards, or sooner if possible, authentic copies of all the documents upon which they may have been founded.

ARTICLE V.

Ratifications.

This convention shall be ratified, and the ratifications shall be exchanged, in Madrid, in six months from this time, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed these articles, and affixed thereto their seals.

Done in triplicate at Madrid, this seventeenth day of February, one thousand eight hundred and thirty-four.

C. P. VAN NESS. [L. S.]
JOSÉ DE HEREDIA. [L. S.]

The following is the form, or model, of the inscription:

No. Cupon de pesos fuertes de renta pagadero en de de 183 Cupon No. 1°.	Renta perpetua de España, pagadera en Paris á razon de 5 p. 0-0 al año, inscrita en el gran libro de la Deuda consolidada. Esta Inscripcion se expide á consecuencia de un convenio celebrado en Madrid en de de entre S. M. Catolica la Reyna de España y los Estados Unidos de America, para el pago de las reclamaciones de los ciudadanos de dichos Estados. INSCRIPCION No. *Capital.* Pesos fuertes ó sean francos | *Renta.* Pesos fuertes ó sean francos El portador de la presente tiene derecho á una renta anual de pesos fuertes, ó sea de francos, pagaderos en Paris por semestres, en los dias de y de por los banqueros de España en aquella capital, á razon de 5 francos y 40 centimos por peso fuerte, con arreglo al Rl. decreto de 15 de Diciembre de 1825. Consiguiente al mismo real decreto se destina cada año á la amortizacion de esta renta uno por ciento de su valor nominal, á interes compuesto, cuyo importe sera empleado en su amortizacion periodica al curso corriente por dichos banqueros.—*Madrid,* de de *El Secretario de Estado y del Despacho de Hacienda.* *El Director de la Rl. Caja de Amortizacion.*	

In witness whereof we, the undersigned Plenipotentiaries of H. Catholic M. the Queen of Spain and of the United States of America, have signed this model, and have affixed thereunto our seals.

Done at Madrid, this day of

JOSÉ DE HEREDIA. [L. S.]
C. P. VAN NESS. [L. S.]

[Under the Spanish treaty of 1795, stipulating that free ships shall make free goods, the want of such a sea-letter or passport, or such certificates as are described in the seventeenth article, is not a substantive ground of condemnation. It only authorizes capture and sending in for adjudication, and the proprietary interest in the ship may be proved by other equivalent testimony. But if, upon the original evidence, the cause appears extremely doubtful and suspicious, and further proof is necessary, the grant or denial of it rests on the same general rules which govern the discretion of prize courts in other cases. (*The Pizarro*, 2 Wheat., 227.)

The term "subjects," in the fifteenth article of the treaty, when applied to persons owing allegiance to Spain, must be construed in the same sense as the term "citizens," or "inhabitants," when applied to persons owing allegiance to the United States, and extends to all persons domiciled in the Spanish dominions. (*Ibid.*)

The Spanish character of the ship being ascertained, the proprietary interest of the cargo cannot be inquired into, unless so far as to ascertain that it does not belong to citizens of the United States whose property engaged in trade with [the enemy is not protected by the treaty. (*Ibid.*)

The seventeenth article of the treaty of 1795, so far as it purports to give any effect to passports, is imperfect and inoperative, in consequence of the omission to annex the form of passport to the treaty. (*The Amiable Isabella*, 6 Wheat., 1; *The Amistad*, 15 Peters, 521.)

By the treaty of 1795, free ships make free goods, but the form of the passport, by which the freedom of the ship was to have been conclusively established, never having been duly annexed to the treaty, the proprietary interest of the ship is to be proved according to the ordinary rules of the prize court, and if thus shown to be Spanish, will protect the cargo on board, to whomsoever the latter may belong. (*Ibid.*)

The treaty with Spain of 1795 does not contain, express or implied, a stipulation that enemy's ships shall make enemy's goods. (*The Nereide, Bennet, Master*, 9 Cranch, 388.)

That treaty prohibits an American citizen from taking a commission to cruise against Spanish vessels in a privateer, but not in a public armed vessel of a belligerent nation. (*The Santissima Trinidad*, 7 Wheaton, 283.)

To entitle a Spanish owner, under the treaty with that power, to entire restitution free of salvage, of his property captured as prize of war, by a professed enemy, and rescued, it is incumbent on the party to produce *prima-facie* proof that the captors were pirates and robbers. (*Le Tigre*, 3 Washington's Circuit Court Reports, 567. See *The Maria Josepha*, 2 Wheeler's Criminal Cases, 600.)

If the capture were made by a neutral, it would be *prima facie* piratical, unless she were shown to have been regularly commissioned; if the captor were, in fact, an enemy, the capture would be legal whether she were commissioned or not. (*Ibid.*)

The eighth article of the treaty of 1818 did not, *proprio vigore*, confirm Spanish grants; it was reserved for Congress to execute its provisions. (*Foster* vs. *Neilson*, 2 Peters, 253. See *Garcia* vs. *Lee*, 12 Peters, 511; *Keene* vs. *Whitaker*, 14 Peters, 170; *Chouteau* vs. *Eckhart*, 2 Howard, 344; *United States* vs. *King*, 3 Howard, 773; *United States* vs. *Reynes*, 9 Howard, 127; *United States* vs. *Philadelphia*, 11 Howard, 609; *United States* vs. *Turner*, *Ibid.*, 663.)

By the treaty of 1819, land heretofore *completely* granted by the King were excepted out of the grant to the United States. (*United States* vs. *Arredondo*, 6 Peters, 691; *United States* vs. *Percheman*, 7 Peters, 51; *Garcia* vs. *Lee*, 12 Peters, 511; *Keene* vs. *Whitaker*, 14 Peters, 170; *United States* vs. *Reynes*, 9 Howard, 127; *United States* vs. *Philadelphia*, 11 Howard, 609.)

The words of that treaty do not require actual occupancy; they are satisfied by that constructive possession which is attributed by the law to legal ownership. (*Ibid.*)

A condition to settle two hundred families on the land granted, was held to be a condition subsequent, and performance excused in equity, by circumstances and change of jurisdiction. (*Ibid.*)

An inquisition having been taken under the Spanish authorities, by which it was found that the Indians had previously abandoned the lands granted, this was held to be *res judicata*. (*Ibid.*)

The title to land which had been *granted* by the King of Spain, was confirmed by force of the instrument itself. (*United States* vs. *Percheman*, 7 Peters, 51; *United States* vs. *Clarke*, 9 Peters, 168; *Mitchell* vs. *United States*, *Ibid.*, 711; *Smith* vs. *United States*, 10 Peters, 326; *Garcia* vs. *Lee*, 12 Peters, 511.)

The commissioners appointed under the treaty of 1819, had power to decide conclusively upon the amount and validity of claims, but not upon the conflicting right of parties to the sums awarded. (*Comegys* vs. *Vasse*, 1 Peters, 193; S. C., 4 Washington's Circuit Court Reports, 570.)

By the treaty ceding Florida to the United States, the inhabitants became entitled to all the privileges, rights, and immunities of citizens of the United States. (*American Insurance Company* vs. *Canter*, 1 Peters, 511.)

By the treaty of cession, the United States obtained no rights to lands, except such as were then vested in the King of Spain. (*Strother* vs. *Lucas*, 12 Peters, 411; *United States* vs. *Kingsley*, *Ibid.*, 476.)

The obligation of perfecting titles under Spanish concessions, assumed by the United States in the Louisiana treaty, was a political obligation, to be carried out by the legislative department. (*Chouteau* vs. *Eckhart*, 2 Howard, 344.)

Congress, in confirming or rejecting claims, acted as the successor of the intendant general, and both exercised in this respect a portion of sovereign power. (*Ibid.*)

Under the ninth article of the treaty of 1819, providing for the restoration of property rescued from pirates and robbers on the high seas, it is necessary to show—

1. That what is claimed falls within the description of vessels or merchandise.
2. That it has been rescued on the high seas from pirates and robbers.
3. That the asserted proprietors are the true proprietors, and have established their title by competent proof. (*United States* vs. *The Amistad*, 15 Peters, 518; S. C., 1 Hazard's U. S. Register, 177, 244.)

Native Africans, unlawfully kidnapped and imported into a Spanish colony, contrary to the laws of Spain, are not merchandise; nor can any person show that he is entitled to them as their proprietor; nor are they pirates or robbers if they rise and kill the master and take possession of the vessel to regain their liberty. (*Ibid.*)

Native Africans unlawfully detained on board a Spanish vessel, are not bound by a treaty between the United States and Spain, but may, as foreigners to both countries, assert their rights to their liberty before our courts. (*Ibid.*)]

SWEDEN.

SWEDEN, 1783.

TREATY* OF AMITY AND COMMERCE BETWEEN HIS MAJESTY THE KING OF SWEDEN AND THE UNITED STATES OF NORTH AMERICA. CONCLUDED APRIL 3, 1783; RATIFIED BY THE KING OF SWEDEN MAY 23, 1783, AND BY THE CONGRESS OF THE UNITED STATES JULY 29, 1783.

[This treaty terminated by the limitation contained in the first separate article, *post*, fifteen years after the exchange of ratifications, but was revived in part by Article XII of the treaty of 1816, *post*, and was again revived in part by Article XVII of the treaty of 1827, *post*.]

The King of Sweden, of the Goths and Vandals, &c., &c., &c.; and the thirteen United States of North America, to wit: New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the counties of New Castle, Kent, and Sussex on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, desiring to establish, in a stable and permanent manner, the rules which ought to be observed relative to the correspondence and commerce which the two parties have judged necessary to establish between their respective countries, states, and subjects: His Majesty and the United States have thought that they could not better accomplish that end than by taking for a basis of their arrangements the mutual interest and advantage of both nations, thereby avoiding all those burthensome preferences which are usually sources of debate, embarrassment, and discontent, and by leaving each party at liberty to make, respecting navigation and commerce, those interior regulations which shall be most convenient to itself.

With this view, His Majesty the King of Sweden has nominated and appointed for his Plenipotentiary Count Gustavus Philip de Creutz, his Ambassador Extraordinary to His Most Christian Majesty, and Knight Commander of his orders; and the United States, on their part, have fully empowered Benjamin Franklin, their Minister Plenipotentiary to His Most Christian Majesty.

The said Plenipotentiaries, after exchanging their full powers, and after mature deliberation in consequence thereof, have agreed upon, concluded, and signed the following articles:

ARTICLE I.

There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between the King of Sweden, his heirs and successors, and the United States of America, and the subjects of His Majesty, and those of the said States, and between the countries, islands, cities, and towns situated under the jurisdiction of the King and of the said United States, without any exception of persons or places; and the conditions agreed to in this present treaty shall be perpetual and permanent between the King, his heirs and successors, and the said United States.

Peace and friendship.

* Translation from the original, which is in the French language.

ARTICLE II.

Favors granted.

The King and the United States engage mutually not to grant hereafter any particular favour to other nations in respect to commerce and navigation which shall not immediately become common to the other party, who shall enjoy the same favour freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

ARTICLE III.

Subjects of Sweden entitled to the same privileges in United States as the most favoured nations.

The subjects of the King of Sweden shall not pay in the ports, havens, roads, countries, islands, cities, and towns of the United States, or in any of them, any other nor greater duties or imposts, of what nature soever they may be, than those which the most favoured nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce which the said nations do or shall enjoy, whether in passing from one port to another of the United States, or in going to or from the same, from or to any part of the world whatever.

ARTICLE IV.

Citizens of the United States entitled to the same privileges in Sweden as the most favoured nations.

The subjects and inhabitants of the said United States shall not pay in the ports, havens, roads, islands, cities, and towns under the dominion of the King of Sweden, any other or greater duties or imposts, of what nature soever they may be, or by what name soever called, than those which the most favoured nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce which the said nations do or shall enjoy, whether in passing from one port to another of the dominion of His said Majesty, or in going to or from the same, from or to any part of the world whatever.

ARTICLE V.

Liberty of conscience, &c., secured.

There shall be granted a full, perfect, and entire liberty of conscience to the inhabitants and subjects of each party; and no person shall be molested on account of his worship, provided he submits so far as regards the public demonstration of it to the laws of the country. Moreover, liberty shall be granted, when any of the subjects or inhabitants of either party die in the territory of the other, to bury them in convenient and decent places, which shall be assigned for the purpose; and the two contracting parties will provide each in its jurisdiction, that the subjects and inhabitants respectively may obtain certificates of the death, in case the delivery of them is required.

ARTICLE VI.

Estates.

The subjects of the contracting parties in the respective States may freely dispose of their goods and effects, either by testament, donation, or otherwise, in favour of such persons as they think proper; and their heirs, in whatever place they shall reside, shall receive the succession even ab intestato, either in person or by their attorney, without having occasion to take out letters of naturalization. These inheritances, as well as the capitals and effects which the subjects

of the two parties, in changing their dwelling, shall be desirous of removing from the place of their abode, shall be exempted from all duty called "droit de détraction" on the part of the Government of the two States, respectively. But it is at the same time agreed that nothing contained in this article shall in any manner derogate from the ordinances published in Sweden against emigrations, or which may hereafter be published, which shall remain in full force and vigor. The United States, on their part, or any of them, shall be at liberty to make, respecting this matter, such laws as they think proper.

Article VII.

Trade with nations at war with the other.

All and every the subjects and inhabitants of the Kingdom of Sweden, as well as those of the United States, shall be permitted to navigate with their vessels, in all safety and freedom, and without any regard to those to whom the merchandizes and cargoes may belong, from any port whatever; and the subjects and inhabitants of the two States shall likewise be permitted to sail and trade with their vessels, and, with the same liberty and safety, to frequent the places, ports, and havens of Powers enemies to both or either of the contracting parties, without being in any wise molested or troubled, and to carry on a commerce not only directly from the ports of an enemy to a neutral port, but even from one port of an enemy to another port of an enemy, whether it be under the jurisdiction of the same or of different Princes. And as it is acknowledged by this treaty, with respect to ships and merchandizes, that free ships shall make the merchandizes free, and that everything which shall be on board of ships belonging to subjects of the one or the other of the contracting parties shall be considered as free, even though the cargo, or a part of it, should belong to the enemies of one or both, it is nevertheless provided that contraband goods shall always be excepted; which being intercepted, shall be proceeded against according to the spirit of the following articles. It is likewise agreed that the same liberty be extended to persons who may be on board a free ship, with this effect, that, although they be enemies to both or either of the parties, they shall not be taken out of the free ship, unless they are soldiers in the actual service of the said enemies.

Free ships make free goods; except contraband articles.

Article VIII.

This liberty of navigation and commerce shall extend to all kinds of merchandizes, except those only which are expressed in the following article, and are distinguished by the name of contraband goods.

Article IX.

Contraband goods.

Under the name of contraband or prohibited goods shall be comprehended arms, great guns, cannon-balls, arquebuses, musquets, mortars, bombs, petards, granadoes, saucisses, pitch-balls, carriages for ordnance, musquet-rests, bandoleers, cannon-powder, matches, saltpetre, sulphur, bullets, pikes, sabres, swords, morions, helmets, cuirasses, halbards, javelins, pistols and their holsters, belts bayonets, horses with their harness, and all other like kinds of arms and instruments of war for the use of troops.

ARTICLE X.

Goods not contraband.

These which follow shall not be reckoned in the number of prohibited goods, that is to say: All sorts of cloths, and all other manufactures of wool, flax, silk, cotton, or any other materials; all kinds of wearing apparel, together with the things of which they are commonly made; gold, silver coined or uncoined, brass, iron, lead, copper, latten, coals, wheat, barley, and all sorts of corn or pulse, tobacco; all kinds of spices, salted and smoked flesh, salted fish, cheese, butter, beer, oyl, wines, sugar; all sorts of salt and provisions which serve for the nourishment and sustenance of man; all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail-cloth, anchors, and any parts of anchors, ship-masts, planks, boards, beams, and all sorts of trees and other things proper for building or repairing ships. Nor shall any goods be considered as contraband which have not been worked into the form of any instrument or thing for the purpose of war by land or by sea, much less such as have been prepared or wrought up for any other use: all which shall be reckoned free goods, as likewise all others which are not comprehended and particularly mentioned in the foregoing article, so that they shall not by any pretended interpretation be comprehended among prohibited or contraband goods. On the contrary, they may be freely transported by the subjects of the King and of the United States, even to places belonging to an enemy, such places only excepted as are besieged, blocked, or invested; and those places only shall be considered as such which are nearly surrounded by one of the belligerent powers.

ARTICLE XI.

In case of war, ships and vessels to be furnished with sea-letters and certificates.

In order to avoid and prevent on both sides all disputes and discord, it is agreed that, in case one of the parties shall be engaged in a war, the ships and vessels belonging to the subjects or inhabitants of the other shall be furnished with sea-letters or passports, expressing the name, property, and port of the vessel, and also the name and place of abode of the master or commander of the said vessel, in order that it may thereby appear that the said vessel really and truly belongs to the subjects of the one or the other party. These passports, which shall be drawn up in good and due form, shall be renewed every time the vessel returns home in the course of the year. It is also agreed that the said vessels, when loaded, shall be provided not only with sea-letters, but also with certificates containing a particular account of the cargo, the place from which the vessel sailed, and that of her destination, in order that it may be known whether they carry any of the prohibited or contraband merchandizes mentioned in the 9th article of the present treaty; which certificates shall be made out by the officers of the place from which the vessel shall depart.

ARTICLE XII.

Vessels shall exhibit their sea-letters and certificates.

If no contraband goods may pass.

Although the vessels of the one and of the other party may navigate freely and with all safety, as is explained in the 7th article, they shall, nevertheless, be bound, at all times when required, to exhibit, as well on the high sea as in port, their passports and certificates above mentioned; and, not having contraband merchandize on board for an enemy's port, they may freely and without hindrance pursue their voyage to the place of their destination. Nevertheless, the exhibition of papers shall not be de-

manded of merchant-ships under the convoy of vessels of war, but credit shall be given to the word of the officer commanding the convoy.

ARTICLE XIII.

Discovery of contraband goods.

If on producing the said certificates it be discovered that the vessel carries some of the goods which are declared to be prohibited or contraband, and which are consigned to an enemy's port, it shall not however be lawful to break up the hatches of such ships, nor to open any chest, coffers, packs, casks, or vessels, nor to remove or displace the smallest part of the merchandizes, until the cargo has been landed in the presence of officers appointed for the purpose, and until an inventory thereof has been taken; nor shall it be lawful to sell, exchange or alienate the cargo or any part thereof, until legal process shall have been had against the prohibited merchandizes, and sentence shall have passed declaring them liable to confiscation, saving nevertheless as well the ships themselves, as the other merchandizes which shall have been found therein, which by virtue of this present treaty are to be esteemed free, and which are not to be detained on pretence of their having been loaded with prohibited merchandize, and much less confiscated as lawful prize. And in case the contraband merchandize be only a part of the cargo, and the master of the vessel agrees, consents, and offers to deliver them to the vessel that has discovered them, in that case the latter, after receiving the merchandizes which are good prize, shall immediately let the vessel go, and shall not by any means hinder her from pursuing her voyage to the place of her destination. When a vessel is taken and brought into any of the ports of the contracting parties, if upon examination she be found to be loaded only with merchandizes declared to be free, the owner, or he who has made the prize, shall be bound to pay all costs and damages to the master of the vessel unjustly detained.

ARTICLE XIV.

Goods found in an enemy's ship.

It is likewise agreed that whatever shall be found to be laden by the subjects of either of the two contracting parties, on a ship belonging to the enemies of the other party, the whole effects, although not of the number of those declared contraband, shall be confiscated as if they belonged to the enemy, excepting nevertheless such goods and merchandizes as were put on board before the declaration of war, and even six months after the declaration, after which term none shall be presumed to be ignorant of it, which merchandizes shall not in any manner be subject to confiscation, but shall be faithfully and specifically delivered to the owners, who shall claim or cause them to be claimed before confiscation and sale, as also their proceeds, if the claim be made within eight months, and could not be made sooner after the sale, which is to be public: provided, nevertheless, that if the said merchandizes be contraband, it shall not be in any wise lawful to carry them afterwards to a port belonging to the enemy.

ARTICLE XV.

Vessels of war and privateers.

And that more effectual care may be taken for the security of the two contracting parties, that they suffer no prejudice by the men-of-war of the other party or by privateers, all captains and commanders of ships of His Swedish Majesty and of the United

States, and all their subjects, shall be forbidden to do any injury or damage to those of the other party, and if they act to the contrary, having been found guilty on examination by their proper judges, they shall be bound to make satisfaction for all damages and the interest thereof, and to make them good under pain and obligation of their persons and goods.

ARTICLE XVI.

Every person fitting out a privateer shall give bond to answer all damages.

For this cause, every individual who is desirous of fitting out a privateer, shall, before he receives letters-patent, or special commission, be obliged to give bond with sufficient sureties, before a competent judge, for a sufficient sum, to answer all damages and wrongs which the owner of the privateer, his officers, or others in his employ may commit during the cruise, contrary to the tenor of this treaty, and contrary to the edicts published by either party, whether by the King of Sweden or by the United States, in virtue of this same treaty, and also under the penalty of having the said letters-patent and special commission revoked and made void.

ARTICLE XVII.

Recaptured vessels.

One of the contracting parties being at war and the other remaining neuter, if it should happen that a merchant-ship of the neutral Power be taken by the enemy of the other party, and be afterwards retaken by a ship of war or privateer of the Power at war, also ships and merchandizes of what nature soever they may be, when recovered from a pirate or sea rover, shall be brought into a port of one of the two Powers, and shall be committed to the custody of the officers of the said port, that they may be restored entire to the true proprietor as soon as he shall have produced full proof of the property. Merchants, masters, and owners of ships, seamen, people of all sorts, ships and vessels, and in general all merchandizes and effects of one of the allies or their subjects, shall not be subject to any embargo, nor detained in any of the countries, territories, islands, cities, towns, ports, rivers, or domains whatever, of the other ally, on account of any military expedition, or any public or private purpose whatever, by seizure, by force, or by any such manner; much less shall it be lawful for the subjects of one of the parties to seize or take anything by force from the subjects of the other party, without the consent of the owner. This, however, is not to be understood to comprehend seizures, detentions, and arrests, made by order and by the authority of justice, and according to the ordinary course for debts or faults of the subject, for which process shall be had in the way of right according to the forms of justice.

Vessels not to be detained.

ARTICLE XVIII.

Regulations in case both nations should be at war with a common enemy.

If it should happen that the two contracting parties should be engaged in a war at the same time with a common enemy, the following points shall be observed on both sides:

1. If the ships of one of the two nations, retaken by the privateers of the other, have not been in the power of the enemy more than 24 hours, they shall be restored to the original owner, on payment of one-third of the value of the ship and cargo. If, on the contrary, the vessel retaken has been more than 24 hours in the power of the enemy, it shall belong wholly to him who has retaken it.

2. In case, during the interval of 24 hours, a vessel be retaken by a man-of-war of either of the two parties, it shall be restored to the original owner, on payment of a thirtieth part of the value of the vessel and cargo, and a tenth part of it if it has been retaken after the 24 hours, which sums shall be distributed as a gratification among the crew of the men-of-war that shall have made the recapture.

3. The prizes made in manner above mentioned shall be restored to the owners, after proof made of the property, upon giving security for the part coming to him who has recovered the vessel from the hands of the enemy.

4. The men-of-war and privateers of the two nations shall reciprocally be admitted with their prizes into each other's ports; but the prizes shall not be unloaded or sold there until the legality of a prize made by Swedish ships shall have been determined according to the laws and regulations established in Sweden, as also that of the prizes made by American vessels shall have been determined according to the laws and regulations established by the United States of America.

5. Moreover, the King of Sweden and the United States of America shall be at liberty to make such regulations as they shall judge necessary respecting the conduct which their men-of-war and privateers respectively shall be bound to observe, with regard to vessels which they shall take and carry into the ports of the two Powers.

Article XIX.

Prizes.

The ships of war of His Swedish Majesty and those of the United States, and also those which their subjects shall have armed for war, may with all freedom conduct the prizes which they shall have made from their enemies into the ports which are open in time of war to other friendly nations; and the said prizes upon entering the said ports shall not be subject to arrest or seizure, nor shall the officers of the places take cognizance of the validity of the said prizes, which may depart and be conducted freely and with all liberty to the places pointed out in their commissions, which the captains of the said vessels shall be obliged to shew.

Article XX.

Shipwrecks.

In case any vessel belonging to either of the two States, or to their subjects, shall be stranded, shipwrecked, or suffer any other damage on the coasts or under the dominion of either of the parties, all aid and assistance shall be given to the persons shipwrecked, or who may be in danger thereof, and passports shall be granted to them to secure their return to their own country. The ships and merchandizes wrecked, or their proceeds, if the effects have been sold, being claimed in a year and a day, by the owners or their attorney, shall be restored, on their paying the costs of salvage, conformable to the laws and customs of the two nations.

Article XXI.

Vessels forced into port by stress of weather.

When the subjects and inhabitants of the two parties, with their vessels, whether they be public and equipped for war, or private or employed in commerce, shall be forced by tempest, by pursuit of privateers and of enemies, or by any other urgent necessity, to retire and enter any of the rivers, bays, roads, or ports of either of the two parties, they shall be received and treated

with all humanity and politeness, and they shall enjoy all friendship, protection, and assistance, and they shall be at liberty to supply themselves with refreshments, provisions, and everything necessary for their sustenance, for the repair of their vessels, and for continuing their voyage; provided allway that they pay a reasonable price: and they shall not in any manner be détained or hindered from sailing out of the said ports or roads, but they may retire and depart when and as they please, without any obstacle or hindrance.

ARTICLE XXII.

In case of war, nine months allowed citizen to sell and transport their effects.

In order to favour commerce on both sides as much as possible, it is agreed that, in case a war should break out between the said two nations, which God forbid, the term of nine months after the declaration of war shall be allowed to the merchants and subjects respectively on one side and the other, in order that they may withdraw with their effects and moveables, which they shall be at liberty to carry off or to sell where they please, without the léast obstacle; nor shall any seize their effects, and much less their persons, during the said nine months; but on the contrary, passports which shall be valid for a time necessary for their return, shall be given them for their vessels, and the effects which they shall be willing to carry with them. And if anything is taken from them, or if any injury is done to them by one of the parties, their people and subjects, during the term above prescribed, full and entire satisfaction shall be made to them on that account. The above-mentioned passports shall also serve as a safe conduct against all insults or prizes which privateers may attempt against their persons and effects.

ARTICLE XXIII.

Commissions or letters of marque.

No subject of the King of Sweden shall take a commission or letters of marque for arming any vessel to act as a privateer against the United States of America, or any of them, or against the subjects, people, or inhabitants of the said United States, or any of them, or against the property of the inhabitants of the said States, from any Prince or State whatever, with whom the said United States shall be at war. Nor shall any citizen, subject, or inhabitant of the said United States, or any of them, apply for or take any commission or letters of marque for arming any vessel to cruize against the subjects of his Swedish Majesty, or any of them, or their property, from any Prince or State whatever with whom his said Majesty shall be at war. And if any person of either nation shall take such commissions or letters of marque, he shall be punished as a pirate.

ARTICLE XXIV.

Ships and vessels entering the ports of either party.

The vessels of the subjects of either of the parties coming upon any coast belonging to the other, but not willing to enter into port, or being entered into port, and not willing to unload their cargoes or to break bulk, shall not be obliged to do it, but on the contrary, shall enjoy all the franchises and exemptions which are granted by the rules subsisting with respect to that object.

ARTICLE XXV.

When a vessel belonging to the subjects and inhabitants of either of

the parties, sailing on the high sea, shall be met by a ship of war or privateer of the other, the said ship of war or privateer, to avoid all disorder, shall remain out of cannon shot, but may always send their boat to the merchant ship, and cause two or three men to go on board of her, to whom the master or commander of the said vessel shall exhibit his passport, stating the property of the vessel; and when the said vessel shall have exhibited her passport, she shall be at liberty to continue her voyage, and it shall not be lawful to molest or search her in any manner, or to give her chase or force her to quit her intended course.

Ships met by ships of war or privateers.

ARTICLE XXVI.

The two contracting parties grant mutually the liberty of having each in the ports of the other, Consuls, Vice-Consuls, Agents, and Commissaries, whose functions shall be regulated by a particular agreement.

Consuls.

ARTICLE XXVII.

The present treaty shall be ratified on both sides, and the ratifications shall be exchanged in the space of eight months, or sooner if possible, counting from the day of the signature.

Ratifications.

In faith whereof the respective Plenipotentiaries have signed the above articles, and have thereto affixed their seals.

Done at Paris the third of April, in the year of our Lord one thousand seven hundred and eighty-three.

GUSTAV PHILIP COMTE DE CREUTZ. [L. S.]
B. FRANKLIN. [L. S.]

SEPARATE ARTICLE.

The King of Sweden and the United States of North America agree that the present treaty shall have its full effect for the space of fifteen years, counting from the day of the ratification, and the two contracting parties reserve to themselves the liberty of renewing it at the end of that term.

Time of duration.

Done at Paris the third day of April, in the year of our Lord one thousand seven hundred and eighty-three.

GUSTAV PHILIP COMTE DE CREUTZ. [L. S.]
B. FRANKLIN. [L. S.]

SEPARATE ARTICLES.

ARTICLE I.

His Swedish Majesty shall use all the means in his power to protect and defend the vessels and effects belonging to citizens or inhabitants of the United States of North America, and every of them which shall be in the ports, havens, roads, or on the seas near the countries, islands, cities and towns of His said Majesty, and shall use his utmost endeavours to recover and restore to the right owners all such vessels and effects which shall be taken from them within his jurisdiction.

King of Sweden to protect vessels and effects of citizens of United States.

ARTICLE II.

United States to protect vessels and effects of subjects of Sweden.

In like manner the United States of North America shall protect and defend the vessels and effects belonging to the subjects of His Swedish Majesty, which shall be in the ports, havens, or roads, or on the seas near to the countries, islands, cities and towns of the said States, and shall use their utmost efforts to recover and restore to the right owners all such vessels and effects which shall be taken from them within their jurisdiction.

ARTICLE III.

In war at sea, ships of war to protect vessels of each nation.

If, in any future war at sea, the contracting Powers resolve to remain neuter, and as such to observe the strictest neutrality, then it is agreed that if the merchant ships of either party should happen to be in a part of the sea where the ships of war of the same nation are not stationed, or if they are met on the high sea, without being able to have recourse to their own convoys, in that case the commander of the ships of war of the other party, if required, shall, in good faith and sincerity, give them all necessary assistance; and in such case the ships of war and frigates of either of the Powers shall protect and support the merchant-ships of the other: provided, nevertheless, that the ships claiming assistance are not engaged in any illicit commerce contrary to the principle of the neutrality.

ARTICLE IV.

Regulations to transact business by citizens of one party in the dominions of the other.

It is agreed and concluded that all merchants, captains of merchant-ships or other subjects of His Swedish Majesty, shall have full liberty in all places under the dominion or jurisdiction of the United States of America, to manage their own affairs, and to employ in the management of them, whomsoever they please; and they shall not be obliged to make use of any interpreter or broker, nor to pay them any reward unless they make use of them. Moreover, the masters of ships shall not be obliged, in loading or unloading their vessels, to employ labourers appointed by public authority for that purpose; but they shall be at full liberty, themselves, to load or unload their vessels, or to employ in loading or unloading them whomsoever they think proper, without paying reward under the title of salary to any other person whatever; and they shall not be obliged to turn over any kind of merchandizes to other vessels, nor to receive them on board their own, nor to wait for their lading longer than they please; and all and every of the citizens, people, and inhabitants of the United States of America shall reciprocally have and enjoy the same privileges and liberties in all places, under the jurisdiction of the said realm.

ARTICLE V.

No vessels to be searched unless in case of fraud.

It is agreed that when merchandizes shall have been put on board the ships or vessels of either of the contracting parties, they shall not be subjected to any examination; but all examination and search must be before lading, and the prohibited merchandizes must be stopped on the spot before they are embarked, unless there is full evidence or proof of fraudulent practice on the part of the owner of the ship, or of him who has the command of her; in which case only he shall be responsible and subject to the laws of the country

in which he may be. In all other cases, neither the subjects of either of the contracting parties who shall be with their vessels in the ports of the other, nor their merchandizes, shall be seized or molested on account of contraband goods, which they shall have wanted to take on board, nor shall any kind of embargo be laid on their ships, subjects, or citizens of the State whose merchandizes are declared contraband, or the exportation of which is forbidden; those only who shall have sold or intended to sell or alienate such merchandize being liable to punishment for such contravention.

Done at Paris, the third day of April, in the year of our Lord one thousand seven hundred and eighty-three.

GUSTAV PHILIP COMTE DE CREUTZ. [L. S.]
B. FRANKLIN. [L. S.]

SWEDEN AND NORWAY, 1816.

TREATY* WITH SWEDEN AND NORWAY. CONCLUDED SEPTEMBER 4, 1816; PROCLAIMED DECEMBER 31, 1818.

[This treaty expired by virtue of Article XIV, eight years after the exchange of ratifications.]

In the name of the most Holy and Indivisible Trinity.

The United States of America and His Majesty the King of Sweden and Norway, equally animated with a sincere desire to maintain and confirm the relations of friendship and commerce which have hitherto subsisted between the two States, and being convinced that this object cannot be more effectually accomplished than by establishing, reciprocally, the commerce between the two States upon the firm basis of liberal and equitable principles, equally advantageous to both countries, have named to this end Plenipotentiaries, and have furnished them with the necessary full powers to treat, and in their name to conclude a treaty, to wit: Relations of friendship and commerce.

The President of the United States, Jonathan Russell, a citizen of the said United States, and now their Minister Plenipotentiary at the Court of Stockholm; and His Majesty the King of Sweden and Norway, His Excellency the Count Laurent d'Engeström, his Minister of State for Foreign Affairs, Chancellor of the University of Lund, Knight Commander of the Orders of the King, Knight of the Order of Charles XIII, Grand Cross of the Orders of St. Etienne of Hungary, of the Legion of Honour of France, of the Black Eagle and of the Red Eagle of Prussia, and the Count Adolphe George de Mörner, his Counsellor of State, and Commander of the Order of the Polar Star;

And the said Plenipotentiaries, after having produced and exchanged their full powers, found in good and due form, have agreed on the following articles: Full powers exchanged.

ARTICLE I.

There shall be between all the territories under the dominion of the United States of America, and of His Majesty the King of Sweden and Norway, a reciprocal liberty of commerce. The inhabitants of either of the two countries shall have liberty, with all Reciprocal liberty of commerce.

*Translation from the original in the French language.

security for their persons, vessels, and cargoes, to come freely to all ports, places, and rivers within the territories of the other, into which the vessels of the most favored nations are permitted to enter. They can there remain and reside in any part whatsoever of the said territories; they can there hire and occupy houses and warehouses for their commerce; and, generally, the merchants and traders of each of the two nations shall enjoy in the other the most complete security and protection for the transaction of their business, being bound alone to conform to the laws and statutes of the two countries, respectively.

Security for merchants and traders.

ARTICLE II.

No other or higher duties, imposts, or charges, whatsoever, shall be imposed on the importation into the territories of His Majesty the King of Sweden and Norway, of the produce or manufactures of the United States, nor on the importation into the United States of the produce or manufactures of the territories of His Majesty the King of Sweden and Norway, than those to which the same articles would be subjected in each of the two countries, respectively, if these articles were the growth, produce, or manufacture, of any other country. The same principle shall likewise be observed in respect to exportation, in such manner that in each of the two countries, respectively, the articles which shall be exported for the other, cannot be charged with any duty, impost, or charge, whatsoever, higher or other than those to which the same articles would be subjected if they were exported to any other country whatever.

Duties.

Nor shall any prohibition be imposed on the exportation or importation of any article, the growth, produce, or manufacture, of the territories of His Majesty the King of Sweden and Norway, or of the United States, to or from the said territories of His Majesty the King of Sweden and Norway, or to or from the said United States, which shall not equally extend to all other nations.

Exportations and importations.

Swedish or Norwegian vessels arriving in ballast, or importing into the United States the produce or manufactures of their countries, or exporting from the United States the produce or manufactures of said States, shall not be obliged to pay, either for the vessels or the cargoes, any other or higher duties, imposts, or charges, whatsoever, than those which the vessels of the United States would pay in the same circumstances; and, vice versa, the vessels of the United States, arriving in ballast, or importing into the territories under the dominion of His Majesty the King of Sweden and Norway the produce or manufactures of the United States, or exporting from the territories under the dominion of His Majesty the King of Sweden and Norway the produce or manufactures of these territories, shall not pay, either for the vessels or the cargoes, any other or higher duties, imposts, or charges, whatsoever, than those which would be paid if these articles were transported by Swedish or Norwegian vessels, respectively.

Equalization of duties, &c.

That which is here above stipulated shall also extend to the Swedish colony of St. Barthelemy, as well in what relates to the rights and advantages which the vessels of the United States shall enjoy in its ports, as in relation to those which the vessels of the colony shall enjoy in the ports of the United States, provided the owners are inhabitants of St. Barthelemy, and there established and naturalized, and shall have there caused their vessels to be naturalized.

ARTICLE III.*

His Majesty the King of Sweden and Norway agrees that all articles the growth, produce, or manufacture, of the West Indies, which are permitted to be imported in Swedish or Norwegian vessels, whether these articles be imported, directly or indirectly, from said Indies, may likewise be imported into its territories in vessels of the United States, and there shall not be paid, either for the said vessels or the cargoes, any higher or other duties, imposts, or charges, whatsoever, than those which would be paid by Swedish or Norwegian vessels in the same circumstances, with an addition only of ten per centum on the said duties, imposts, and charges, and no more.

(* This article not ratified.)

In order to avoid misapprehension in this respect, it is expressly declared, that the term "West Indies" ought to be taken in its most extensive sense, comprising all that portion of the earth, whether mainland or islands, which at any time has been denominated the West Indies, in contradistinction to that other portion of the earth denominated the East Indies.

ARTICLE IV.*

The United States of America, on their part, agree that all articles the growth, produce, or manufacture, of the countries surrounding the Baltic Sea, or bordering thereon, which are permitted to be imported in vessels of the United States, whether these articles be imported, directly or indirectly, from the Baltic, may likewise be imported into the United States in Swedish or Norwegian vessels; and there shall not then be paid for the said vessels, or for the cargoes, any higher or other duties, imposts, or charges, whatsoever, than those which would be paid by vessels of the United States in the same circumstances, with an addition only of ten per centum on the said duties, imposts, and charges, and no more.

(* This article not ratified.)

In order to avoid all uncertainty in respect to the duties, imposts, or charges, whatsoever, which a vessel belonging to the citizens or subjects of one of the contracting parties ought to pay, on arriving in the ports of the other, with a cargo consisting partly of articles the growth, produce, or manufacture of the country to which the vessel belongs, and partly of any other merchandize, which the said vessel is permitted to import by the preceding articles, it is agreed that, in case a cargo should be thus mixed, the vessel shall always pay the duties, imposts, and charges, according to the nature of that part of the cargo which is subjected to the highest duties, in the same manner as if the vessel imported this sort of merchandise only.

ARTICLE V.

The high contracting parties grant mutually the liberty of having, in the places of commerce and ports of the other, Consuls, Vice-Consuls, or Commercial Agents, who shall enjoy all the protection and assistance necessary for the due discharge of their functions. But it is here expressly declared that, in case of illegal or improper conduct in respect to the laws or government of the country to which they are sent, the said Consul, Vice-Consul, or Agent, may be either punished according to law, dismissed, or sent away, by the offended Government, that Government assigning to the other the reasons therefor. It is, nevertheless, understood, that the archives and documents relative to the affairs of the consulate shall be pro-

Consuls, &c.

Archives, &c., inviolate.

tected from all examination, and shall be carefully preserved, being placed under the seal of the Consul and of the authority of the place where he shall have resided.

The Consuls and their deputies shall have the right, as such, to act as judges and arbitrators in the differences which may arise between the captains and crews of the vessels of the nation whose affairs are entrusted to their care. The respective Governments shall have no right to interfere in matters of this kind, except the conduct of the captain and crew shall disturb the peace and tranquillity of the country in which the vessel may be, or that the Consul of the place shall feel himself obliged to resort to the interposition and support of the executive authority to cause his decision to be respected and maintained; it being, nevertheless, understood, that this kind of judgment, or award, shall not deprive the contending parties of the right which they shall have, on their return, to recur to the judicial authorities of their own country.

Rights reserved to parties under consular decisions.

ARTICLE VI.*

In order to prevent all dispute and uncertainty in respect to what may be considered as being the growth, produce, or manufacture of the contracting parties respectively, it is agreed that whatever the chief or intendant of the customs shall have designated and specified as such, in the clearance delivered to the vessels which depart from the European ports of His Majesty the King of Sweden and Norway, shall be acknowledged and admitted as such in the United States; and that, in the same manner, whatever the chief or collector of the customs in the ports of the United States shall have designated and specified as the growth, produce, or manufacture of the United States, shall be acknowledged and admitted as such in the territories of His Majesty the King of Sweden and Norway.

(* This article not ratified.)

The specification or designation given by the chief of the customs in the colonies of His Majesty the King of Sweden and Norway, and confirmed by the governor of the colony, shall be considered as sufficient proof of the origin of the articles thus specified or designated to obtain for them admission into the ports of the United States accordingly.

ARTICLE VII.

The citizens or subjects of one of the contracting parties, arriving with their vessels on any coast belonging to the other, but not willing to enter into port, or being entered into port, and not willing to unload or break bulk, shall have liberty to depart, and to pursue their voyage, without molestation, and without being obliged to render account of their cargo, or to pay any duties, imposts, or charges, whatsoever, on the vessels or cargo, excepting only the dues of pilotage, when a pilot shall have been employed, or those of quayage, or light-money, whenever these dues are paid in the same circumstances by the citizens or subjects of the country. It being, nevertheless, understood, that whenever the vessels belonging to the citizens or subjects of one of the contracting parties shall be within the jurisdiction of the other, they shall conform to the laws and regulations concerning navigation, and the places and ports into which it may be permitted to enter, which are in force with regard to the citizens or subjects of the country; and it shall be lawful for the officers of the customs in the district where the said vessels may be, to visit them, to

Vessels and cargoes may enter ports.

Limitation of this privilege.

remain on board, and to take such precautions as may be necessary to prevent all illicit commerce while such vessels remain within the said jurisdiction.

ARTICLE VIII.

It is also agreed that the vessels of one of the contracting parties, entering the ports of the other, shall be permitted to discharge a part only of their cargoes, whenever the captain or owner shall desire so to do, and they shall be allowed to depart freely with the remainder, without paying any duties, imposts, or charges whatsoever, except on that part which shall have been landed, and which shall be marked and noted on the list or manifest containing the enumeration of the merchandise which the vessel ought to have on board, and which list ought always to be presented, without reservation, to the officers of the customs at the place where the vessel shall have arrived; and nothing shall be paid on the part of the cargo which the vessel takes away; and the said vessel may proceed therewith to any other port or ports in the same country, into which vessels of the most favoured nations are permitted to enter, and there dispose of the same; or the said vessel may depart therewith to the ports of any other country. It is, however, understood that the duties, imposts, or charges, which are payable on the vessel itself, ought to be paid at the first port where it breaks bulk and discharges a part of the cargo, and that no such duties or impositions shall be again demanded in the ports of the same country where the said vessel may thereafter enter, except the inhabitants of the country be subjected to further duties in the same circumstances.

Vessels landing parts of cargoes.

Exception.

ARTICLE IX.

The citizens or subjects of one of the contracting parties shall enjoy in the ports of the other, as well for their vessels as for their merchandise, all the rights and privileges of entrepot, which are enjoyed by the most favoured nations in the same ports.

Rights and privileges of entrepot.

ARTICLE X.

In case any vessel, belonging to either of the two States or to their citizens or subjects, shall be stranded, shipwrecked, or have suffered any other damage on the coasts under the dominion of either of the parties, all aid and assistance shall be given to the persons shipwrecked, or who may be in danger thereof, and passports shall be granted them to return to their own country. The ships and merchandise wrecked, or the proceeds thereof, if the effects be sold, being claimed in a year and a day, by the owners, or their attorney, shall be restored on paying the same costs of salvage, conformably to the laws and usages of the two nations, which the citizens or subjects of the country would pay in the same circumstances. The respective governments shall watch over the companies which are or may be instituted for saving shipwrecked persons and property, that vexations and abuses may not take place.

Shipwrecks.

ARTICLE XI.

It is agreed that vessels arriving direct from the United States, at a port under the dominion of His Majesty the King of Sweden and Norway, or from the ports of his said Majesty in Europe

Quarantine.

at a port of the United States, furnished with a certificate of health from the competent health officer of the port whence they took their departure, certifying that no malignant or contagious disease existed at that port, shall not be subjected to any other quarantine than such as shall be necessary for the visit of the health officer of the port at which they may have arrived, but shall, after such visit, be permitted immediately to enter and discharge their cargoes; provided, always, that there may not be found any person on board who has been, during the voyage, afflicted with a malignant or contagious disease, and that the country from which the vessel comes may not be so generally regarded at the time as infected, or suspected, that it has been previously necessary to issue a regulation by which all vessels coming from that country are regarded as suspected and subjected to quarantine.

ARTICLE XII.

The treaty of Paris, concluded in 1783, revived in part.

The treaty of amity and commerce concluded at Paris in 1783, by the Plenipotentiaries of the United States and of His Majesty the King of Sweden, is renewed and put in force by the present treaty, in respect to all which is contained in the second, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twenty-first, twenty-second, twenty-third, and twenty-fifth articles of the said treaty, as well as the separate articles one, two, four, and five, which were signed the same day by the same Plenipotentiaries; and the articles specified shall be considered to have as full force and vigour as if they were inserted word for word: provided, nevertheless, that the stipulations contained in the articles above mentioned shall always be considered as making no change in the conventions previously concluded with other friendly and allied nations.

Exception as to the effect of the revival of the treaty of 1783, in relation to other powers.

ARTICLE XIII.

Blockade.

Considering the distance of the respective countries of the two high contracting parties, and the uncertainty that results therefrom in relation to the various events which may take place, it is agreed that a merchant-vessel, belonging to one of the contracting parties, and destined to a port supposed to be blockaded at the time of her departure, shall not, however, be captured or condemned for having a first time attempted to enter the said port, unless it may be proved that the said vessel could and ought to have learned, on her passage, that the place in question continued to be in a state of blockade. But vessels which, after having been once turned away, shall attempt a second time, during the same voyage, to enter the same port of the enemy, while the blockade continues, shall be liable to detention and condemnation.

ARTICLE XIV.

Ratifications.

The present treaty, when the same shall have been ratified by the President of the United States, by and with the advice and consent of the Senate, and by His Majesty the King of Sweden and Norway, shall continue in force, and be obligatory on the United States and His Majesty the King of Sweden and Norway, for the term of eight years from the exchange of the ratifications; and the ratifications shall be exchanged in eight months from the signature of this treaty, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the present treaty, and have thereunto set the seal of their arms. Done at Stockholm, the fourth day of September, in the year of Grace one thousand eight hundred and sixteen.

JONA. RUSSELL. [L. S.]
LE COMTE D'ENGESTRÖM. [L. S.]
LE COMTE A. G. DE MÖRNER. [L. S.]

SWEDEN AND NORWAY, 1827.

TREATY* WITH SWEDEN AND NORWAY, AND SEPARATE ARTCLE TO SAME. CONCLUDED JULY 4, 1827; RATIFICATIONS EXCHANGED JANUARY 18, 1828; PROCLAIMED JANUARY 19, 1828.

In the name of the Most Holy and Indivisible Trinity.

The United States of America and His Majesty the King of Sweden and Norway, equally animated with the desire of extending and consolidating the commercial relations subsisting between their respective territories, and convinced that this object cannot better be accomplished than by placing them on the basis of a perfect equality and reciprocity, have, in consequence, agreed to enter into negotiation for a new treaty of commerce and navigation; and to this effect have appointed Plenipotentiaries, to wit:

Plenipotentiaries.

The President of the United States of America, John James Appleton, Chargé d'Affaires of the said States at the court of His Majesty the King of Sweden and Norway; and His Majesty the King of Sweden and Norway, the Sieur Gustave Count de Wetterstedt, his Minister of State and of Foreign Affairs, Knight Commander of his orders, Knight of the Orders of St. Andrew, St. Alexander Newsky, and St. Ann, of the first class, of Russia; Knight of the Order of the Red Eagle, of the first class, of Prussia; Grand Cross of the Order of Leopold, of Austria; one of the Eighteen of the Swedish Academy;

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Navigation and commerce.

The citizens and subjects of each of the two high contracting parties may, with all security for their persons, vessels, and cargoes, freely enter the ports, places, and rivers of the territories of the other, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories; to rent and occupy houses and warehouses for their commerce; and they shall enjoy, generally, the most entire security and protection in their mercantile transactions, on condition of their submitting to the laws and ordinances of the respective countries.

ARTICLE II.

Swedish and Norwegian vessels, &c.

Swedish and Norwegian vessels, and those of the island of St. Bartholomew, arriving either laden or in ballast, into the ports of the United States of America, from whatever place they may come, shall be treated, on their entrance, during their stay, and at

* Translation from original in the French language.

their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, light-houses, pilotage, and port charges, as well as to the perquisites of public officers, and all other duties or charges of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishment whatsoever.

Reciprocal as to American vessels.

And reciprocally, the vessels of the United States of America, arriving either laden or in ballast in the ports of the Kingdoms of Sweden and Norway, from whatever place they may come, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, light-houses, pilotage, and port charges, as well as to the perquisites of public officers, and all other duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever.

ARTICLE III.

Imports.

All that may be lawfully imported into the United States of America in vessels of the said States may also be thereinto imported in Swedish and Norwegian vessels, and in those of the island of St. Bartholomew, from whatever place they may come, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if imported in national vessels.

And, reciprocally, all that may be lawfully imported into the Kingdoms of Sweden and Norway in Swedish and Norwegian vessels, or in those of the island of St. Bartholomew, may also be thereinto imported in vessels of the United States of America, from whatever place they may come, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if imported in national vessels.

ARTICLE IV.

Exports.

All that may be lawfully exported from the United States of America in vessels of the said States may also be exported therefrom in Swedish and Norwegian vessels, or in those of the island of St. Bartholomew, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if exported in national vessels.

And, reciprocally, all that may be lawfully exported from the Kingdoms of Sweden and Norway in Swedish and Norwegian vessels, or in those of the island of St. Bartholomew, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if exported in national vessels.

ARTICLE V.

The stipulations contained in the three preceding articles are to their

full extent applicable to the vessels of the United States of America, proceeding, either laden or not laden, to the colony of St. Bartholomew, in the West Indies, whether from the ports of the Kingdoms of Sweden and Norway or from any other place whatsoever, or proceeding from the said colony, either laden or not laden, whether bound for Sweden or Norway, or for any other place whatsoever.

American vessels proceeding to St. Bartholomew.

ARTICLE VI.

It is expressly understood that the foregoing second, third, and fourth articles are not applicable to the coastwise navigation from one port of the United States of America to another port of the said States, nor to the navigation from one port of the Kingdoms of Sweden or of Norway to another, nor to that between the two latter countries; which navigation each of the two high contracting parties reserves to itself.

Coastwise navigation.

ARTICLE VII.

Each of the two high contracting parties engages not to grant in its purchases, or in those which might be made by companies or agents acting in its name or under its authority, any preference to importations made in its own vessels, or in those of a third Power, over those made in the vessels of the other contra[c]ting party.

No preference to be granted to importations.

ARTICLE VIII.

The two high contracting parties engage not to impose upon the navigation between their respective territories, in the vessels of either, any tonnage or other duties, of any kind or denomination, which shall be higher or other than those which shall be imposed on every other navigation except that which they have reserved to themselves, respectively, by the sixth article of the present treaty.

Tonnage duties.

ARTICLE IX.

There shall not be established in the United States of America, upon the products of the soil or industry of the Kingdoms of Sweden and Norway, or of the island of St. Bartholomew's, any prohibition or restriction of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions, and duties shall likewise be established upon articles of like nature the growth of any other country.

No restriction to be imposed upon importations.

And, reciprocally, there shall not be established in the Kingdoms of Sweden and Norway, nor in the island of St. Bartholomew's, on the products of the soil or industry of the United States of America, any prohibition or restriction of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions, and duties be likewise established upon articles of like nature the growth of the island of St. Bartholomew, or of any other place, in case such importation be made into or from the Kingdoms of Sweden and Norway; or of the Kingdoms of Sweden and Norway, or of any other place, in case such importation or exportation be made into or from the island of St. Bartholomew.

ARTICLE X.

Privileges of transit, drawback, &c.

All privileges of transit, and all bounties and drawbacks which may be allowed within the territories of one of the high contracting parties upon the importation or exportation of any article whatsoever, shall likewise be allowed on the articles of like nature the products of the soil or industry of the other contracting party, and on the importations and exportations made in its vessels.

ARTICLE XI.

Vessels entering a port, and not wishing to unload.

The citizens or subjects of one of the high contracting parties arriving with their vessels on the coasts belonging to the other, but not wishing to enter the port, or, after having entered therein, not wishing to unload any part of their cargo, shall be at liberty to depart and continue their voyage without paying any other duties, imposts, or charges whatsoever, for the vessel and cargo, than those of pilotage, wharfage, and for the support of light-houses, when such duties shall be levied on national vessels in similar cases. It is understood, however, that they shall always conform to such regulations and ordinances concerning navigation, and the places and ports which they may enter, as are or shall be in force with regard to national vessels; and that the custom-house officers shall be permitted to visit them, to remain on board, and to take all such precautions as may be necessary to prevent all unlawful commerce, as long as the vessels shall remain within the limits of their jurisdiction.

ARTICLE XII.

Vessels unloading a part of their cargoes, to pay no duties on the remainder.

It is further agreed that the vessels of one of the high contracting parties, having entered into the ports of the other, will be permitted to confine themselves to unloading such part only of their cargoes as the captain or owner may wish, and that they may freely depart with the remainder without paying any duties, imposts, or charges whatsoever, except for that part which shall have been landed, and which shall be marked upon and erased from the manifest exhibiting the enumeration of the articles with which the vessel was laden; which manifest shall be presented entire at the custom-house of the place where the vessel shall have entered. Nothing shall be paid on that part of the cargo which the vessel shall carry away, and with which it may continue its voyage to one or several other ports of the same country, there to dispose of the remainder of its cargo, if composed of articles whose importation is permitted, on paying the duties chargeable upon it; or it may proceed to any other country. It is understood, however, that all duties, imposts, or charges whatsoever, which are or may become chargeable upon the vessels themselves, must be paid at the first port where they shall break bulk, or unlade part of their cargoes; but that no duties, imposts, or charges of the same description shall be demanded anew in the ports of the same country which such vessels might afterwards wish to enter, unless national vessels be in similar cases subject to some ulterior duties.

ARTICLE XIII.

Consuls.

Each of the high contracting parties grants to the other the privilege of appointing, in its commercial ports and places, Consuls, Vice-Consuls, and Commercial Agents, who shall enjoy the

full protection and receive every assistance necessary for the due exercise of their functions; but it is expressly declared that in case of illegal or improper conduct, with respect to the laws or Government of the country in which said Consuls, Vice-Consuls, or Commercial Agents shall reside, they may be prosecuted and punished conformably to the laws, and deprived of the exercise of their functions by the offended Government, which shall acquaint the other with its motives for having thus acted, it being understood, however, that the archives and documents relative to the affairs of the consulate shall be exempt from all search, and shall be carefully preserved under the seals of the Consuls, Vice-Consuls, or Commercial Agents, and of the authority of the place where they may reside.

The Consuls, Vice-Consuls, or Commercial Agents, or the persons duly authorized to supply their places, shall have the right as such to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country, or the said Consuls, Vice-Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

Article XIV.

The said Consuls, Vice-Consuls, or Commercial Agents are authorized to require the assistance of the local authorities for the arrest, detention, and imprisonment of the deserters from the ships of war and merchant-vessels of their country; and for this purpose they shall apply to the competent tribunals, judges, and officers, and shall in writing demand said deserters, proving, by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews, and, on this reclamation being thus substantiated, the surrender shall not be refused.

Deserters.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who claim them, in order to be sent to the vessels to which they belonged, or to others of the same country; but if not sent back within the space of two months, reckoning from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the said cause.

It is understood, however, that, if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which the case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

Article XV.

Shipwreck, &c.

In case any vessel of one of the high contracting parties shall have been stranded or shipwrecked, or shall have suffered any other damage on the coasts of the dominions of the other, every aid and assistance shall be given to the persons shipwrecked or in danger, and passports shall be granted to them to return to their country.

The shipwrecked vessels and merchandize, or their proceeds, if the same shall have been sold, shall be restored to their owners, or to those entitled thereto, if claimed within a year and a day, upon paying such costs of salvage as would be paid by national vessels in the same circumstances; and the salvage companies shall not compel the acceptance of their services, except in the same cases, and after the same delays, as shall be granted to the captains and crews of national vessels. Moreover, the respective Governments will take care that these companies do not commit any vexatious or arbitrary acts.

ARTICLE XVI.

Quarantine.

It is agreed that vessels arriving directly from the United States of America, at a port within the dominions of His Majesty the King of Sweden and Norway, or from the territories of his said Majesty in Europe, at a port of the United States, and provided with a bill of health granted by an officer having competent power to that effect, at the ports whence such vessels shall have sailed, setting forth that no malignant or contagious diseases prevailed in that port, shall be subjected to no other quarantine than such as may be necessary for the visit of the health-officer of the port where such vessel shall have arrived; after which said vessels shall be allowed immediately to enter and unload their cargoes: provided, always, that there shall be on board no person who, during the voyage, shall have been attacked with any malignant or contagious diseases; that such vessels shall not, during their passage, have communicated with any vessel liable itself to undergo a quarantine; and that the country whence they came shall not, at that time, be so far infected or suspected that, before their arrival, an ordinance had been issued, in consequence of which all vessels coming from that country should be considered as suspected, and consequently subject to quarantine.

ARTICLE XVII.

Certain articles of the treaty of April 3, 1783, revived.

The second, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twenty-first, twenty-second, twenty-third, and twenty-fifth articles of the treaty of amity and commerce concluded at Paris on the third of April, one thousand seven hundred eighty-three, by the Plenipotentiaries of the United States of America, and of His Majesty the King of Sweden, together with the first, second, fourth, and fifth separate articles, signed on the same day by the same Plenipotentiaries, are revived, and made applicable to all the countries under the dominion of the present high contracting parties, and shall have the same force and value as if they were inserted in the context of the present treaty; it being understood that the stipulations contained in the articles above cited shall always be considered as in no manner affecting the conventions concluded by either party with other nations, during the interval between the expiration of the said treaty of one thousand seven hundred eighty-three and the revival of said articles by the treaty of commerce and navigation concluded at Stockholm by the present high contracting parties, on the fourth of September, one thousand eight hundred and sixteen.

ARTICLE XVIII.

Considering the remoteness of the respective countries of the two

high contracting parties, and the uncertainty resulting therefrom with respect to the various events which may take place, it is agreed that a merchant-vessel belonging to either of them, which may be bound to a port supposed at the time of its departure to be blockaded, shall not, however, be captured or condemned for having attempted a first time to enter said port, unless it can be proved that said vessel could and ought to have learned, during its voyage, that the blockade of the place in question still continued. But all vessels which, after having been warned off once shall, during the same voyage, attempt a second time to enter the same blockaded port, during the continuance of said blockade, shall then subject themselves to be detained and condemned.

Blockaded ports, &c.

ARTICLE XIX.

The present treaty shall continue in force for ten years, counting from the day of the exchange of the ratifications; and if before the expiration of the first nine years neither of the high contracting parties shall have announced, by an official notification to the other, its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on until the expiration of the twelve months which will follow a similar notification, whatever the time at which it may take place.

The present treaty shall continue in force for ten years.

ARTICLE XX.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate, and by His Majesty the King of Sweden and Norway, and the ratifications shall be exchanged at Washington within the space of nine months from the signature, or sooner if possible.

Ratifications.

In faith whereof, the respective Plenipotentiaries have signed the present treaty by duplicates, and have affixed thereto the seals of their arms. Done at Stockholm the fourth of July, in the year of Grace one thousand eight hundred and twenty-seven.

J. J. APPLETON. [L. S.]
G. COUNT DE WETTERSTEDT. [L. S.]

SEPARATE ARTICLE.

Certain relations of proximity and ancient connections having led to regulations for the importation of the product of the Kingdoms of Sweden and Norway into the Grand Duchy of Finland, and that of the products of Finland into Sweden and Norway, in vessels of the respective countries, by special stipulations of a treaty still in force, and whose renewal forms at this time the subject of a negotiation between the Courts of Sweden and Norway and Russia, said stipulations being in no manner connected with the existing regulations for foreign commerce in general, the two high contracting parties, anxious to remove from their commercial relations all kinds of ambiguity or motives of discussion, have agreed that the eighth, ninth, and tenth articles of the present treaty shall not be applicable either to the navigation and commerce above mentioned, nor, consequently, to the exceptions in the general tariff of custom-house duties, and in

July 4, 1827. Separate article.

the regulations of navigation resulting therefrom, nor to the special advantages which are, or may be granted to the importation of tallow and candles from Russia, founded upon equivalent advantages granted by Russia on certain articles of importation from Sweden and Norway.

The present separate article shall have the same force and value as if it were inserted word for word in the treaty signed this day, and shall be ratified at the same time.

In faith whereof we, the undersigned, by virtue of our respective full powers, have signed the present separate article, and affixed thereto the seals of our arms.

Done at Stockholm the fourth of July, one thousand eight hundred and twenty-seven.

J. J. APPLETON. [L. S.]
G. COUNT DE WETTERSTEDT. [L. S.]

SWEDEN AND NORWAY, 1860.

CONVENTION FOR THE SURRENDER OF CRIMINALS FUGITIVES FROM JUSTICE IN CERTAIN CASES, BETWEEN THE UNITED STATES OF AMERICA AND THE KING OF SWEDEN AND NORWAY. CONCLUDED AT WASHINGTON MARCH 21, 1860; RATIFICATIONS EXCHANGED AT WASHINGTON DECEMBER 20, 1860; PROCLAIMED DECEMBER 21, 1860.

Whereas, it is found expedient, for the better administration of justice and the prevention of crime within the territories and jurisdiction of the parties respectively, that persons committing certain crimes, being fugitives from justice, should, under certain circumstances, be reciprocally delivered up; and also to enumerate such crimes explicitly: The United States of America on the one part, and His Majesty the King of Sweden and Norway on the other part, having resolved to treat on this subject, have for that purpose appointed their respective Plenipotentiaries to negotiate and conclude a convention, that is to say:

Contracting parties.

The President of the United States of America, Lewis Cass, Secretary of State of the United States, and His Majesty the King of Sweden and Norway, Baron Nicholas William de Wetterstedt, Knight of the Orders of the Polar Star and of St. Olaff, Commander of the Order of Dannebrog of Denmark, his said Majesty's Minister Resident near the Government of the United States;

Who, after reciprocal communication of their respective powers, have agreed to and signed the following articles:

ARTICLE I.

It is agreed that the high contracting parties shall, upon mutual requisitions by them, their Diplomatic or Consular Agents, respectively made, deliver up to justice all persons who, being charged with or condemned for any of the crimes enumerated in the following article, committed within the jurisdiction of either party, shall seek an asylum or shall be found within the territories of the other: Provided, that this surrender and delivery shall not be obligatory on either of the high contracting parties except upon presentation by the other, in original or in verified copy, of the judicial declaration or sentence establishing the culpability of the fugi-

Extradition.

Proof, &c.

tive, and issued by the proper authority of the Government who claims the surrender, in case such sentence or declaration shall have been pronounced; said document to be drawn up and certified according to the forms prescribed by the laws of the country making the demand. But if such sentence or declaration shall not have been pronounced, then the surrender may be demanded, and shall be made, when the demanding party shall have furnished such proof of culpability as would have been sufficient to justify the apprehension and commitment for trial of the accused if the offence had been committed in the country where he shall have taken refuge.

ARTICLE II.

Crimes.

Persons shall be so delivered up who shall have been charged with or sentenced for any of the following crimes, to wit: Murder, (including assassination, parricide, infanticide, and poisoning,) or attempt to commit murder; rape; piracy, (including mutiny on board a ship, whenever the crew or part thereof, by fraud or violence against the commander, have taken possession of the vessel;) arson; robbery and burglary; forgery, and the fabrication or circulation of counterfeit money, whether coin or paper money; embezzlement by public officers, including appropriation of public funds.

ARTICLE III.

Expenses of extradition.

The expenses of any detention and delivery, effected in virtue of the preceding provisions, shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

ARTICLE IV.

This convention not to apply to citizens or subjects, &c.

Neither of the contracting parties shall be bound to deliver up, under the stipulations of this convention, any person who, according to the laws of the country where he shall be found, is a citizen or a subject of the same at the time his surrender is demanded.

ARTICLE V.

Nor to political offences.

The provisions of the present convention shall not be applied to any crime or offence of a political character.

ARTICLE VI.

New crimes committed, &c.

Whenever any person, accused of any of the crimes enumerated in this convention, shall have committed a new crime in the territories of the State where he has sought an asylum or shall be found, such person shall not be delivered up under the stipulations of this convention until he shall have been tried, and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

ARTICLE VII.

When this convention takes effect.

This convention shall not take effect until ten days after its publication, made according to the laws of the respective Governments.

How long to be in force.

It shall remain in force until the end of six months after either of the high contracting parties shall have given notice to the other of its intention to terminate the same.

It shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Sweden and Norway, and the ratifications shall be exchanged within ten months from the date of its signature, or earlier if possible.

To be ratified within ten months.

In faith whereof, the respective Plenipotentiaries have signed this convention, and have hereunto affixed their seals.

Done in duplicate, at Washington, the twenty-first day of March, one thousand eight hundred and sixty, and the eighty-fourth year of the Independence of the United States.

Signature, March 21, 1860.

LEW. CASS. [SEAL.]
N. W. DE WETTERSTEDT. [SEAL.]

SWEDEN AND NORWAY, 1869.

CONVENTION AND PROTOCOL BETWEEN THE UNITED STATES OF AMERICA AND SWEDEN AND NORWAY, RELATIVE TO NATURALIZATION. SIGNED MAY 26, 1869; RATIFICATIONS EXCHANGED JUNE 14, 1871; PROCLAIMED JANUARY 12, 1872.

The President of the United States of America and His Majesty the King of Sweden and Norway, led by the wish to regulate the citizenship of those persons who emigrate from the United States of America to Sweden and Norway and their dependencies and territories, and from Sweden and Norway to the United States of America, have resolved to treat on this subject, and have for that purpose appointed Plenipotentiaries to conclude a convention, that is to say: The President of the United States of America, Joseph J. Bartlett, Minister Resident; and His Majesty the King of Sweden and Norway, Count Charles Wachtmeister, Minister of State for Foreign Affairs; who have agreed to and signed the following articles:

Contracting parties.

ARTICLE I.

Citizens of the United States of America who have resided in Sweden or Norway for a continuous period of at least five years, and during such residence have become and are lawfully recognized as citizens of Sweden or Norway, shall be held by the Government of the United States to be Swedish or Norwegian citizens, and shall be treated as such.

When citizens of the United States are to be treated as citizens of Sweden and Norway.

Reciprocally, citizens of Sweden or Norway who have resided in the United States of America for a continuous period of at least five years, and during such residence have become naturalized citizens of the United States, shall be held by the Government of Sweden and Norway to be American citizens, and shall be treated as such.

When citizens of Sweden and Norway are to be treated as citizens of the United States.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of citizenship legally acquired.

Declaration of intent not to affect naturalization.

ARTICLE II.

A recognized citizen of the one party, on returning to the territory

of the other, remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, but not for the emigration itself, saving always the limitation established by the laws of his original country, and any other remission of liability to punishment.

Naturalized citizens liable on return to their original country for offenses committed before emigration.

ARTICLE III.

If a citizen of the one party, who has become a recognized citizen of the other party, takes up his abode once more in his original country, and applies to be restored to his former citizenship, the Government of the last-named country is authorized to receive him again as a citizen, on such conditions as the said Government may think proper.

Provision as to restoration to citizenship in original country.

ARTICLE IV.

The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States on the one part and Sweden and Norway on the other part, the 21st March, 1860, remains in force without change.

Convention for the extradition of fugitives from justice not to be changed.

ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

Convention when to go into effect, and how long to continue.

ARTICLE VI.

The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by His Majesty the King of Sweden and Norway; and the ratifications shall be exchanged at Stockholm within twenty-four months from the date hereof.

Ratifications.

In faith whereof the Plenipotentiaries have signed and sealed this convention.

STOCKHOLM, *May* 26, 1869.

JOSEPH J. BARTLETT. [SEAL.]
C. WACHTMEISTER. [SEAL.]

PROTOCOL.

DONE AT STOCKHOLM, MAY 26, 1869.

The undersigned met to-day to sign the convention agreed upon in conformity with their respective full powers, relating to the citizenship of those persons who emigrate from the United States of America to Sweden and Norway, and from Sweden and Norway to the United States of America; on which occasion the following observations, more exactly

defining and explaining the contents of this convention, were entered in the following protocol:

I. Relating to the first article of the convention.

The additional five years' residence not required, when, &c.

It is understood that if a citizen of the United States of America has been discharged from his American citizenship, or, on the other side, if a Swede or a Norwegian has been discharged from his Swedish or Norwegian citizenship, in the manner legally prescribed by the Government of his original country, and then in the other country in a rightful and perfectly valid manner acquires citizenship, then an additional five years' residence shall no longer be required; but a person who has in that manner been recognized as a citizen of the other country shall, from the moment thereof, be held and treated as a Swedish or Norwegian citizen, and, reciprocally, as a citizen of the United States.

II. Relating to the second article of the convention.

Swedes, &c., naturalized in the United States and returning to their original country, liable to fulfil their military service, &c.

If a former Swede or Norwegian, who under the first article is to be held as an adopted citizen of the United States of America, has emigrated after he has attained the age when he becomes liable to military service, and returns again to his original country, it is agreed that he remains liable to trial and punishment for an action punishable by the laws of his original country and committed before his emigration, but not for the act of emigration itself, unless thereby have been committed any punishable action against Sweden or Norway, or against a Swedish or Norwegian citizen, such as non-fulfilment of military service, or desertion from the military force or from a ship, saving always the limitation established by the laws of the original country, and any other remission of liability to punishment; and that he can be held to fulfil, according to the laws, his military service, or the remaining part thereof.

III. Relating to the third article of the convention.

Swedes, &c., naturalized in the United States, and renewing their residence in Sweden, with the intent not to return to the United States, held to renounce their American citizenship.

It is further agreed that if a Swede or Norwegian, who has become a naturalized citizen of the United States, renews his residence in Sweden or Norway without the intent to return to America, he shall be held by the Government of the United States to have renounced his American citizenship.

The intent not to return to America may be held to exist when the person so naturalized resides more than two years in Sweden or Norway.

JOSEPH J. BARTLETT. [SEAL.]
C. WACHTMEISTER. [SEAL.]

SWISS CONFEDERATION.

SWISS CONFEDERATION, 1847.

CONVENTION WITH THE SWISS CONFEDERATION FOR THE MUTUAL ABOLITION OF THE DROIT D'AUBAINE AND TAXES ON EMIGRATION. CONCLUDED MAY 18, 1847; RATIFICATIONS EXCHANGED AT WASHINGTON, MAY 3, 1848; PROCLAIMED MAY 4, 1848.

Preamble.

The President of the United States of America and the Federal Directory of the Swiss Confederation, animated by the desire to secure and extend by an amicable convention the relations happily existing between the two countries, have to this effect appointed as their Plenipotentiaries, to wit:

Negotiators.

The President of the United States of America, James Buchanan, Secretary of State of the United States; and the Federal Directory of the Swiss Confederation, A. C. Cazenove, Swiss Consul at Alexandria;

Who, after the exchange of their full powers, found in good and due form, have agreed upon and signed the following articles:

ARTICLE I.

Personal property.

Heirs, &c.

The citizens of each one of the high contracting parties shall have power to dispose of their personal property within the jurisdiction of the other, either by testament, donation, or ab intestato, or in any other manner; and their heirs, being citizens of the other party, shall inherit all such personal estates, whether by testament or ab intestato, and they may take possession of the same, either personally or by attorney, and dispose of them as they may think proper, paying to the respective governments no other charges than those to which the inhabitants of the country in which the said property shall be found would be liable in a similar case; and in the absence of such heir, or heirs, the same care shall be taken of the property that would be taken in the like case for the preservation of the property of a citizen of the same country, until the lawful proprietor shall have had time to take measures for possessing himself of the same; and in case any dispute should arise between claimants to the same succession as to the property thereof, the question shall be decided according to the laws and by the judges of the country in which the property is situated.

Property of absent heirs.

Cases of dispute.

ARTICLE II.

Alien heirs.

If, by the death of a person owning real property in the territory of one of the high contracting parties, such property should descend, either by the laws of the country or by testamentary disposition, to a citizen of the other party, who, on account of his being an alien, could not be permitted to retain the actual possession of such property, a term of not less than three years shall be allowed to him to dispose of such property, and to collect and withdraw the proceeds

thereof, without paying to the Government any other charges than those which in a similar case would be paid by an inhabitant of the country in which such real property may be situated.

ARTICLE III.

Duration of this convention.

The present convention shall be in force for the term of twelve years from the date hereof; and further, until the end of twelve months after the Government of the United States on the one part, or that of the Swiss Confederation on the other, shall have given notice of its intention of terminating the same.

Ratifications.

This convention shall be ratified, and the ratifications shall be exchanged at Washington, within twelve months after its date, or sooner if possible.

In faith whereof, the respective Plenipotentiaries have signed the present convention, and have thereunto affixed their seals.

Done at Washington, this eighteenth day of May, A. D. 1847, and of the Independence of the United States the seventy-first.

JAMES BUCHANAN. [L. S.]
ANT. CHS. CAZENOVE. [L. S.]

SWISS CONFEDERATION, 1850.

CONVENTION OF FRIENDSHIP, COMMERCE, EXTRADITION, &c., WITH THE SWISS CONFEDERATION, CONCLUDED NOVEMBER 25, 1850; RATIFICATIONS EXCHANGED NOVEMBER 8, 1855; PROCLAIMED NOVEMBER 9, 1855.

The United States of America and the Swiss Confederation, equally animated by the desire to preserve and to draw more closely the bonds of friendship which so happily exist between the two Republics, as well as to augment, by all the means at their disposal, the commercial intercourse of their respective citizens, have mutually resolved to conclude a general convention of friendship, reciprocal establishments, commerce, and for the surrender of fugitive criminals. For this purpose they have appointed as their Plenipotentiaries, to wit:

Negotiators.

The President of the United States, A. Dudley Mann, Special Agent of the United States on a mission to the Swiss Confederation; and the Swiss Federal Council, Henry Druey, President of the Swiss Confederation, Director of the Political Department, and Frederick Frey-Hérosée, member of the Federal Council, Director of the Department of Commerce and of Tolls;

Who, after a communication of their respective full powers, have agreed to the following articles:

ARTICLE I.

Citizens to be on a footing of equality.

The citizens of the United States of America and the citizens of Switzerland shall be admitted and treated upon a footing of reciprocal equality in the two countries, where such admission and treatment shall not conflict with the constitutional or legal provisions, as well federal as State and cantonal, of the contracting parties. The citizens of the United States and the citizens of Switzerland, as well as the members of their families, subject to the constitutional

and legal provisions aforesaid, and yielding obedience to the laws, regulations, and usages of the country wherein they reside, shall be at liberty to come, go, sojourn temporarily, domiciliate or establish themselves permanently, the former in the Cantons of the Swiss Confederation, the Swiss in the States of the American Union, to acquire, possess, and alienate therein property, (as is explained in Article V;) to manage their affairs; to exercise their profession, their industry, and their commerce; to have establishments; to possess warehouses; to consign their products and their merchandise, and to sell them by wholesale or retail, either by themselves or by such brokers or other agents as they may think proper; they shall have free access to the tribunals, and shall be at liberty to prosecute and defend their rights before courts of justice in the same manner as native citizens, either by themselves or by such advocates, attorneys, or other agents as they may think proper to select. No pecuniary or other more burdensome condition shall be imposed upon their residence or establishment, or upon the enjoyment of the above-mentioned rights, than shall be imposed upon citizens of the country where they reside, nor any condition whatever to which the latter shall not be subject.

Liberties granted.

The foregoing privileges, however, shall not extend to the exercise of political rights, nor to a participation in the property of communities, corporations, or institutions of which the citizens of one party, established in the other, shall not have become members or co-proprietors.

Restriction on said liberties.

Article II.

The citizens of one of the two countries, residing or established in the other, shall be free from personal military service; but they shall be liable to the pecuniary or material contributions which may be required, by way of compensation, from citizens of the country where they reside, who are exempt from the said service.

Taxes.

No higher impost, under whatever name, shall be exacted from the citizens of one of the two countries, residing or established in the other, than shall be levied upon citizens of the country in which they reside, nor any contribution whatsoever to which the latter shall not be liable.

In case of war, or of expropriation for purposes of public utility, the citizens of one of the two countries, residing or established in the other, shall be placed upon an equal footing with the citizens of the country in which they reside with respect to indemnities for damages they may have sustained.

Indemnities for damages.

Article III.

The citizens of one of the two Republics, residing or established in the other, who shall desire to return to their country, or who shall be sent thither by a judicial decision, by an act of police, or in conformity with the laws and regulations on morals and mendicity, shall be received at all times and under all circumstances, they, their wives, and their legitimate issue, in the country to which they belong, and in which they shall have preserved their rights in conformity with the laws thereof.

Citizens who wish or are compelled to return

Article IV.

In order to establish their character as citizens of the United States of America, or as citizens of Switzerland, persons belonging to the two contracting countries shall be bearers of passports,

Passports, &c.

or of other papers in due form, certifying their nationality, as well as that of the members of their family, furnished or authenticated by a diplomatic or consular agent of their nation, residing in the one of the two countries which they wish to inhabit.

ARTICLE V.

Property.

The citizens of each one of the contracting parties shall have power to dispose of their personal property within the jurisdiction of the other, by sale, testament, donation, or in any other manner; and their heirs, whether by testament or ab intestato, or their successors, being citizens of the other party, shall succeed to the said property, or inherit it, and they may take possession thereof, either by themselves or by others acting for them; they may dispose of the same as they may think proper, paying no other charges than those to which the inhabitants of the country wherein the said property is situated shall be liable to pay in a similar case. In the absence of such heir, heirs, or other successors, the same care shall be taken by the authorities for the preservation of the property that would be taken for the preservation of the property of a native of the same country, until the lawful proprietor shall have had time to take measures for possessing himself of the same.

Property of deceased persons.

Real estate.

The foregoing provisions shall be applicable to real estate situated within the States of the American Union, or within the Cantons of the Swiss Confederation, in which foreigners shall be entitled to hold or inherit real estate.

But in case real estate situated within the territories of one of the contracting parties should fall to a citizen of the other party, who, on account of his being an alien, could not be permitted to hold such property in the State or in the Canton in which it may be situated, there shall be accorded to the said heir, or other successor, such term as the laws of the State or Canton will permit to sell such property; he shall be at liberty at all times to withdraw and export the proceeds thereof without difficulty, and without paying to the Government any other charges than those which in a similar case would be paid by an inhabitant of the country in which the real estate may be situated.

ARTICLE VI.

Controversies among claimants to a succession.

Any controversy that may arise among the claimants to the same succession, as to whom the property shall belong, shall be decided according to the laws and by the judges of the country in which the property is situated.

ARTICLE VII.

Consuls and Vice-Consuls.

The contracting parties give to each other the privilege of having, each, in the large cities and important commercial places of their respective States, Consuls and Vice-Consuls of their own appointment, who shall enjoy the same privileges and powers, in the discharge of their duties, as those of the most favored nations. But before any Consul [or Vice-Consul] shall act as such, he shall, in the ordinary form, be approved of by the Government to which he is commissioned.

In their private and business transactions, Consuls and Vice-Consuls shall be submitted to the same laws and usages as private individuals, citizens of the place in which they reside.

It is hereby understood that in case of offence against the laws by a Consul or a Vice-Consul, the Government to which he is commissioned may, according to circumstances, withdraw his exequatur, send him away from the country, or have him punished in conformity with the laws, assigning to the other Government its reasons for so doing.

Exequatur.

The archives and papers belonging to the consulates shall be respected inviolably, and under no pretext whatever shall any magistrate, or other functionary, visit, seize, or in any way interfere with them.

Archives, &c., to be inviolate.

ARTICLE VIII.

In all that relates to the importation, exportation, and transit of their respective products, the United States of America and the Swiss Confederation shall treat each other, reciprocally, as the most favored nation, union of nations, State, or society, as is explained in the following articles.

Each nation to have rights of the most favored nation, respecting imports, exports, and transit of products.

ARTICLE IX.

Neither of the contracting parties shall impose any higher or other duties upon the importation, exportation, or transit of the natural or industrial products of the other, than are or shall be payable upon the like articles, being the produce of any other country, not embraced within its present limits.

Duties.

ARTICLE X.

In order the more effectually to attain the object contemplated in Article VIII, each of the contracting parties hereby engages not to grant any favor in commerce to any nation, union of nations, State, or society, which shall not immediately be enjoyed by the other party.

Commercial privileges.

ARTICLE XI.

Should one of the contracting parties impose differential duties upon the products of any nation, the other party shall be at liberty to determine the manner of establishing the origin of its own products, destined to enter the country by which the differential duties are imposed.

Origin of products.

ARTICLE XII.

The Swiss territory shall remain open to the admission of articles arriving from the United States of America; in like manner, no port of the said States shall be closed to articles arriving from Switzerland, provided they are conveyed in vessels of the United States, or in vessels of any country having free access to the ports of said States. Swiss merchandise arriving under the flag of the United States, or under that of one of the nations most favored by them, shall pay the same duties as the merchandise of such nation; under any other flag it shall be treated as the merchandise of the country to which the vessel belongs.

Commerce.

In case of shipwreck and of salvage on the coasts of the United States, Swiss merchandise shall be respected and treated as that belonging to citizens of the said States.

Shipwreck.

The United States consent to extend to Swiss products, arriving or

Most favored nation clause.

shipped under their flag, the advantages which are or shall be enjoyed by the products of the most favored nation arriving or shipped under the same flag.

It is hereby understood that no stipulation of the present article shall in any manner interfere with those of the four aforegoing articles, nor with the measures which have been or shall be adopted by either of the contracting countries in the interest of public morality, security, or order.

ARTICLE XIII.

Extradition.

The United States of America and the Swiss Confederation, on requisitions made in their name through the medium of their respective Diplomatic or Consular Agents, shall deliver up to justice persons who, being charged with the crimes enumerated in the following article, committed within the jurisdiction of the requiring party, shall seek asylum or shall be found within the territories of the other: *Provided*, That this shall be done only when the fact of the commission of the crime shall be so established as to justify their apprehension and commitment for trial if the crime had been committed in the country where the persons so accused shall be found.

ARTICLE XIV.

Persons shall be delivered up, according to the provisions of this convention, who shall be charged with any of the following crimes, to wit: Murder, (including assassination, parricide, infanticide, and poisoning;) attempt to commit murder; rape; forgery, or the emission of forged papers; arson; robbery with violence, intimidation, or forcible entry of an inhabited house; piracy; embezzlement by public officers, or by persons hired or salaried to the detriment of their employers, when these crimes are subject to infamous punishment.

ARTICLE XV.

Surrender.

On the part of the United States, the surrender shall be made only by the authority of the Executive thereof; and on the part of the Swiss Confederation, by that of the Federal Council.

ARTICLE XVI.

Expenses.

The expenses of detention and delivery, effected in virtue of the preceding articles, shall be at the cost of the party making the demand.

ARTICLE XVII.

No extradition for past or political offences.

The provisions of the aforegoing articles relating to the surrender of fugitive criminals shall not apply to offences committed before the date hereof, nor to those of a political character.

ARTICLE XVIII.

Duration of this convention.

The present convention is concluded for the period of ten years, counting from the day of the exchange of the ratifications; and if, one year before the expiration of that period, neither of the contracting parties shall have announced, by an official notification, its intention to the other to arrest the operations of said convention, it

shall continue binding for twelve months longer, and so on, from year to year, until the expiration of the twelve months which will follow a similar declaration, whatever the time at which it may take place.

ARTICLE XIX.

This convention shall be submitted, on both sides, to the approval and ratification of the respective competent authorities of each of the contracting parties, and the ratifications shall be exchanged at the city of Washington as soon as circumstances shall admit. Ratifications.

In faith whereof, the respective Plenipotentiaries have signed the above articles, under reserve of the above-mentioned ratifications, both in the English and French languages, and they have thereunto affixed their seals.

Done in quadruplicate, at the city of Berne, this twenty-fifth day of November, in the year of our Lord one thousand eight hundred and fifty.

A. DUDLEY MANN. [L. S.]
H. DRUEY. [L. S.]
F. FREY-HÉROSÉE. [L. S.]

TEXAS.

TEXAS, 1838.

CONVENTION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF TEXAS, TO TERMINATE THE RECLAMATIONS OF THE FORMER GOVERNMENT FOR THE CAPTURE, SEIZURE, AND DETENTION OF THE BRIGS POCKET AND DURANGO, AND FOR INJURIES SUFFERED BY AMERICAN CITIZENS ON BOARD THE POCKET. CONCLUDED APRIL 11, 1838; RATIFICATIONS EXCHANGED JULY 6, 1838; PROCLAIMED JULY 6, 1838.

Alcée La Branche, Chargé d'Affaires of the United States of America, near the Republic of Texas, acting on behalf of the said United States of America, and R. A. Irion, Secretary of State of the Republic of Texas, acting on behalf of the said Republic, have agreed to the following articles:

ARTICLE I.

Texas agrees to indemnify United States.

The Government of the Republic of Texas, with a view to satisfy the aforesaid reclamations for the capture, seizure, and confiscation of the two vessels aforementioned, as well as for indemnity to American citizens who have suffered injuries from the said Government of Texas, or its officers, obliges itself to pay the sum of eleven thousand seven hundred and fifty dollars ($11,750) to the Government of the United States of America, to be distributed amongst the claimants by the said Government of the United States of America.

ARTICLE II.

Payment of said indemnity.

The sum of eleven thousand seven hundred and fifty dollars, ($11,750,) agreed on in the first art[icle,] shall be paid in gold or silver, with interest at six per cent., one year after the exchange of the ratifications of this convention. The said payment shall be made at the seat of Government of the Republic of Texas, into the hands of such person or persons as shall be duly authorized by the Government of the United States of America to receive the same.

ARTICLE III.

Ratifications.

The present convention shall be ratified, and the ratifications thereof shall be exchanged in the city of Washington, in the space of three months from this date, or sooner if possible.

In faith whereof the parties above named have respectively subscribed these articles, and thereto affixed their seals.

Done at the city of Houston on the eleventh day of the month of April, one thousand eight hundred and thirty-eight.

ALCÉE LA BRANCHE. [L. S.]
R. A. IRION. [L. S.]

TEXAS, 1838.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF TEXAS FOR MARKING THE BOUNDARY BETWEEN THEM. CONCLUDED APRIL 25, 1838; RATIFICATIONS EXCHANGED OCTOBER 12, 1838; PROCLAIMED OCTOBER 13, 1838.

Whereas the treaty of limits made and concluded on the twelfth day of January, in the year of our Lord one thousand eight hundred and twenty-eight, between the United States of America on the one part and the United Mexican States on the other, is binding upon the Republic of Texas, the same having been entered into at a time when Texas formed a part of the said United Mexican States;

And whereas it is deemed proper and expedient, in order to prevent future disputes and collisions between the United States and Texas in regard to the boundary between the two countries as designated by the said treaty, that a portion of the same should be run and marked without unnecessary delay:

The President of the United States has appointed John Forsyth their Plenipotentiary, and the President of the Republic of Texas has appointed Memucan Hunt its Plenipotentiary;

And the said Plenipotentiaries, having exchanged their full powers, have agreed upon and concluded the following articles:

ARTICLE I.

Boundary line.

Each of the contracting parties shall appoint a commissioner and surveyor, who shall meet, before the termination of twelve months from the exchange of the ratifications of this convention, at New Orleans, and proceed to run and mark that portion of the said boundary which extends from the mouth of the Sabine, where that river enters the Gulph of Mexico, to the Red River. They shall make out plans and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this convention, and shall have the same force as if it were inserted therein. The two Governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary.

ARTICLE II.

Each party to exercise jurisdiction until the line is marked.

And it is agreed that until this line shall be marked out, as is provided for in the foregoing article, each of the contracting parties shall continue to exercise jurisdiction in all territory over which its jurisdiction has hitherto been exercised; and that the remaining portion of the said boundary line shall be run and marked at such time hereafter as may suit the convenience of both the contracting parties, until which time each of the said parties shall exercise, without the interference of the other, within the territory of which the boundary shall not have been so marked and run, jurisdiction to the same extent to which it has been heretofore usually exercised.

ARTICLE III.

The present convention shall be ratified, and the ratifications shall

Ratifications. be exchanged at Washington, within the term of six months from the date hereof, or sooner if possible.

In witness whereof we, the respective Plenipotentiaries, have signed the same, and have hereunto affixed our respective seals.

Done at Washington this twenty-fifth day of April, in the year of our Lord one thousand eight hundred and thirty-eight, in the sixty-second year of the Independence of the United States of America, and in the third of that of the Republic of Texas.

JOHN FORSYTH. [L. S.]
MEMUCAN HUNT. [L. S.]

TRIPOLI.

TRIPOLI, 1796.

TREATY OF PEACE AND FRIENDSHIP BETWEEN THE UNITED STATES OF AMERICA AND THE BEY AND SUBJECTS OF TRIPOLI, OF BARBARY. CONCLUDED NOVEMBER 4, 1796.

ARTICLE I.

There is a firm and perpetual peace and friendship between the United States of America and the Bey and subjects of Tripoli of Barbary, made by the free consent of both parties, and guaranteed by the Most Potent Dey and Regency of Algiers.

Peace under the guarantee of the Dey of Algiers.

ARTICLE II.

If any goods belonging to any nation with which either of the parties is at war, shall be loaded on board of vessels belonging to the other party, they shall pass free, and no attempt shall be made to take or detain them.

Enemy's goods.

ARTICLE III.

If any citizens, subjects, or effects belonging to either party, shall be found on board a prize-vessel taken from an enemy by the other party, such citizens or subjects shall be set at liberty, and the effects restored to the owners.

Persons and property in enemy's vessels.

ARTICLE IV.

Proper passports are to be given to all vessels of both parties, by which they are to be known. And considering the distance between the two countries, eighteen months from the date of this treaty shall be allowed for procuring such passports. During this interval, the other papers belonging to such vessels shall be sufficient for their protection.

Passports.

ARTICLE V.

A citizen or subject of either party having bought a prize-vessel condemned by the party or by any other nation, the certificate of condemnation and bill of sale shall be a sufficient passport for such vessel for one year; this being a reasonable time for her to procure a proper passport.

Condemnation and bill of sale of a prize-vessel to be available as passport for one year.

ARTICLE VI.

Vessels of either party putting into the ports of the other, and having need of provisions or other supplies, they shall be furnished at the market price. And if any such vessel shall so put in from a disaster at sea, and have occasion to repair, she shall

Vessels putting into ports of the parties for provisions or repairs.

be at liberty to land and reimbark her cargo, without paying any duties. But in no case shall she be compelled to land her cargo.

ARTICLE VII.

Shipwrecks.

Should a vessel of either party be cast on the shore of the other, all proper assistance shall be given to her and her people—no pillage shall be allowed; the property shall remain at the disposition of the owners, and the crew protected and succoured till they can be sent to their country.

ARTICLE VIII.

Neutrality of ports.

If a vessel of either party should be attacked by an enemy within gun shot of the forts of the other, she shall be defended as much as possible. If she be in port, she shall not be seized or attacked, when it is in the power of the other party to protect her; and when she proceeds to sea, no enemy shall be allowed to pursue her from the same port within twenty-four hours after her departure.

ARTICLE IX.

Commerce, &c.

The commerce between the United States and Tripoli; the protection to be given to merchants, masters of vessels and seamen; the reciprocal right of establishing Consuls in each country, and the privileges, immunities, and jurisdictions to be enjoyed by such Consuls are declared to be on the same footing with those of the most favoured nations respectively.

ARTICLE X.

Price of peace.

The money and presents demanded by the Bey of Tripoli, as a full and satisfactory consideration on his part, and on the part of his subjects, for this treaty of perpetual peace and friendship, are acknowledged to have been received by him previous to his signing the same, according to a receipt which is hereto annexed; except such part as is promised on the part of the United States, to be delivered and paid by them on the arrival of their Consul in Tripoli, of which part a notice is likewise hereto annexed. And no pretence of any periodical tribute or farther payment is ever to be made by either party.

ARTICLE XI.

Religious opinions.

As the Government of the United States of America is not in any sense founded on the Christian religion; as it has in itself no character of enmity against the laws, religion, or tranquillity of Musselmen; and as the said States never have entered into any war or act of hostility against any Mahometan nation, it is declared by the parties, that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two countries.

ARTICLE XII.

Disputes between the parties.

In case of any dispute arising from the violation of any of the articles of this treaty, no appeal shall be made to arms, nor shall war be declared on any pretext whatever. But if the Con-

sul residing at the place where the dispute shall happen shall not be able to settle the same, an amicable reference shall be made to the mutual friend of the parties, the Dey of Algiers, the parties hereby engaging to abide by his decision. And he, by virtue of his signature to this treaty, engages for himself and his successors to declare the justice of the case according to the true interpretation of the treaty, and to use all the means in his power to enforce the observance of the same.

Signed and sealed at Tripoli of Barbary, the 3d day of Jumad, in the year of the Hegira 1211, corresponding with the 4th day of November, 1796, by

JUSSUF BASHAW MAHOMET, *Bey.* [L. S.]
MAMET, *Treasurer.* [L. S.]
AMET, *Minister of Marine.* [L. S.]
AMET, *Chamberlain.* [L. S.]
ALLY, *Chief of the Divan.* [L. S.]
SOLIMAN KAYA. [L. S.]
GALIL, *General of the Troops.* [L. S.]
MAHOMET, *Cmdt. of the City.* [L. S.]
MAMET, *Secretary.* [L. S.]

Signed and sealed at Algiers, the 4th day of Argil, 1211, corresponding with the 3d day of January, 1797, by

HASSAN BASHAW, *Dey.* [L. S.]

And by the Agent Plenipotentiary of the United States of America,

JOEL BARLOW. [L. S.]

Certificate of the copy, by Joel Barlow.

I, Joel Barlow, Agent and Consul General of the United States of America, for the City and Kingdom of Algiers, certify and attest that the foregoing is a true copy of the treaty, concluded between the said United States and the Bey and subjects of Tripoli of Barbary, of which the original is to be transmitted by me to the Minister of the said United States, in Lisbon.

In testimony whereof, I sign these presents with my hand, and affix thereto the seal of the Consulate of the United States, at Algiers, this 4th day of January, 1797.

JOEL BARLOW. [L. S.]

Confirmation of the treaty by David Humphreys.

To all to whom these presents shall come or be made known:

Whereas the under-written David Humphreys hath been duly appointed Commissioner Plenipotentiary, by letters-patent under the signature of the President and seal of the United States of America, dated the 30th of March, 1795, for negociating and concluding a treaty of peace with the most illustrious the Bashaw, Lords and Governors of the City and Kingdom of Tripoli: Whereas, by a writing under his hand and seal, dated the 10th of February, 1796, he did, (in conformity to the authority committed me therefor,) constitute and appoint Joel Barlow, and Joseph Donaldson, junior, agents, jointly and separately in the business aforesaid: Whereas the annexed treaty of peace and friendship was agreed upon, signed and sealed at Tripoli of Barbary, on the 4th of November, 1796, in virtue of the powers aforesaid, and guaranteed by the Most Potent Dey and Regency of Algiers: And whereas the same was certified at Algiers on the 3d of January, 1797, with the signature and seal of Hassan Bashaw,

Dey, and of Joel Barlow, one of the agents aforesaid, in the absence of the other.

Now, know ye, that I, David Humphreys, Commissioner Plenipotentiary aforesaid, do approve and conclude the said treaty, and every article and clause therein contained, reserving the same nevertheless for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the said United States.

In testimony whereof, I have signed the same with my name and seal, at the city of Lisbon, this 10th of February, 1797.

DAVID HUMPHREYS. [L. S.]

TRIPOLI, 1805.

TREATY OF PEACE AND AMITY BETWEEN THE UNITED STATES OF AMERICA AND THE BASHAW, BEY, AND SUBJECTS OF TRIPOLI, IN BARBARY, CONCLUDED JUNE 4, 1805.

ARTICLE I.

Peace and friendship re-established.

There shall be from the conclusion of this treaty a firm, inviolable, and universal peace, and a sincere friendship, between the President and citizens of the United States of America, on the one part, and the Bashaw, Bey, and subjects of the Regency of Tripoli, in Barbary, on the other, made by the free consent of both parties, and on the terms of the most favored nation. And if either party shall hereafter grant to any other nation any particular favor or privilege in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, but where the grant is conditional, it shall be at the option of the contracting parties to accept, alter, or reject such conditions, in such manner as shall be most conducive to their respective interests.

Commerce, &c.

ARTICLE II.

Prisoners.

The Bashaw of Tripoli shall deliver up to the American squadron now off Tripoli all the Americans in his possession, and all the subjects of the Bashaw of Tripoli now in the power of the United States of America shall be delivered up to him; and as the number of Americans in possession of the Bashaw of Tripoli amounts to three hundred persons, more or less, and the number of Tripoline subjects in the power of the Americans is about one hundred, more or less, the Bashaw of Tripoli shall receive from the United States of America the sum of sixty thousand dollars, as a payment for the difference between the prisoners herein mentioned.

ARTICLE III.

American forces in the province of Derne.

All the forces of the United States which have been or may be in hostility against the Bashaw of Tripoli, in the province of Derne, or elsewhere within the dominions of the said Bashaw, shall be withdrawn therefrom; and no supplies shall be given by or in behalf of the said United States, during the continuance of this peace, to any of the subjects of the said Bashaw who may be in hostility

against him, in any part of his dominions; and the Americans will use all means in their power to persuade the brother of the said Bashaw, who has co-operated with them at Derne, &c., to withdraw from the territory of the said Bashaw of Tripoli, but will not use any force or improper means to effect that object; and in case he should withdraw himself as aforesaid, the Bashaw engages to deliver up to him his wife and children, now in his power.

Article IV.

If any goods belonging to any nation with which either of the parties are at war should be loaded on board vessels belonging to the other party, they shall pass free and unmolested, and no attempts shall be made to take or detain them.

Free ships to make free goods.

Article V.

If any citizens or subjects, with their effects, belonging to either party, shall be found on board a prize vessel taken from an enemy by the other party, such citizens or subjects shall be liberated immediately, and their effects so captured shall be restored to their lawful owners, or their agents.

Citizens, &c., to be given up if taken in prize-vessels.

Article VI.

Proper passports shall immediately be given to the vessels of both the contracting parties, on condition that the vessels of war belonging to the Regency of Tripoli, on meeting with merchant-vessels belonging to citizens of the United States of America, shall not be permitted to visit them with more than two persons besides the rowers; these two only shall be permitted to go on board, without first obtaining leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage; and should any of the said subjects of Tripoli insult or molest the commander, or any other person on board a vessel so visited, or plunder any of the property contained in her, on complaint being made by the Consul of the United States of America resident at Tripoli, and on his producing sufficient proof to substantiate the fact, the commander or rais of said Tripoline ship or vessel of war, as well as the offenders, shall be punished in the most exemplary manner. All vessels of war belonging to the United States of America, on meeting with a cruizer belonging to the Regency of Tripoli, on having seen her passport and certificate from the Consul of the United States of America residing in the Regency, shall permit her to proceed on her cruize unmolested, and without detention. No passport shall be granted by either party to any vessels, but such as are absolutely the property of citizens or subjects of said contracting parties, on any pretence whatever.

Passports.

Article VII.

A citizen or subject of either of the contracting parties, having bought a prize-vessel, condemned by the other party, or by any other nation, the certificate of condemnation and bill of sale shall be a sufficient passport for such vessel for two years, which, considering the distance between the two countries, is no more than a reasonable time for her to procure proper passports.

ARTICLE VIII.

Vessels of both nations permitted to touch at the ports of each, for provisions, &c.

Vessels of either party, putting into the ports of the other, and having need of provisions or other supplies, they shall be furnished at the market price, and if any such vessel should so put in, from a disaster at sea, and have occasion to repair, she shall be at liberty to land and reimbark her cargo without paying any duties; but in no case shall she be compelled to land her cargo.

ARTICLE IX.

Assistance to be given to the vessels of both nations.

Should a vessel of either party be cast on the shore of the other, all proper assistance shall be given to her and her crew. No pillage shall be allowed, the property shall remain at the disposition of the owners, and the crew protected and succoured, till they can be sent to their country.

ARTICLE X.

The time when, and the distance which, an enemy's vessel may be attacked.

If a vessel of either party shall be attacked by an enemy within gunshot of the forts of the other, she shall be defended as much as possible. If she be in port, she shall not be seized or attacked when it is in the power of the other party to protect her; and when she proceeds to sea, no enemy shall be allowed to pursue her from the same port within twenty-four hours after her departure.

ARTICLE XI.

Commerce.

The commerce between the United States of America and the Regency of Tripoli; the protections to be given to merchants, masters of vessels, and seamen; the reciprocal right of establishing Consuls in each country, and the privileges, immunities, and jurisdictions to be enjoyed by such Consuls, are declared to be on the same footing with those of the most favored nations, respectively.

ARTICLE XII.

Consul.

The Consul of the United States of America shall not be answerable for debts contracted by citizens of his own nation, unless he previously gives a written obligation so to do.

ARTICLE XIII.

Salutes.

On a vessel of war belonging to the United States of America, anchoring before the city of Tripoli, the Consul is to inform the Bashaw of her arrival, and she shall be saluted with twenty-one guns, which she is to return in the same quantity or number.

ARTICLE XIV.

Religious matters.

As the Government of the United States of America has in itself no character of enmity against the laws, religion, or tranquility of Musselmen, and as the said States never have entered

into any voluntary war or act of hostility against any Mahometan nation, except in the defence of their just rights to freely navigate the high seas, it is declared by the contracting parties, that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two nations. And the Consuls and Agents of both nations respectively, shall have liberty to exercise his religion in his own house. All slaves of the same religion shall not be impeded in going to said Consul's house at hours of prayer. The Consuls shall have liberty and personal security given them to travel within the territories of each other both by land and sea, and shall not be prevented from going on board any vessel that they may think proper to visit. They shall have likewise the liberty to appoint their own drogaman and brokers.

ARTICLE XV.

Time allowed before an appeal to arms.

In case of any dispute arising, from the violation of any of the articles of this treaty, no appeal shall be made to arms; nor shall war be declared on any pretext whatever; but if the Consul residing at the place where the dispute shall happen shall not be able to settle the same, the Government of that country shall state their grievances in writing, and transmit it to the Government of the other; and the period of twelve calendar months shall be allowed for answers to be returned, during which time no act of hostility shall be permitted by either party; and in case the grievances are not redressed, and a war should be the event, the Consuls and citizens or subjects of both parties, reciprocally, shall be permitted to embark with their effects unmolested on board of what vessel or vessels they shall think proper.

ARTICLE XVI.

Prisoners.

If, in the fluctuation of human events, a war should break out between the two nations, the prisoners captured by either party shall not be made slaves, but shall be exchanged rank for rank. And if there should be a deficiency on either side, it shall be made up by the payment of five hundred Spanish dollars for each captain, three hundred dollars for each mate and supercargo, and one hundred Spanish dollars for each seaman so wanting. And it is agreed that prisoners shall be exchanged in twelve months from the time of their capture; and that the exchange may be effected by any private individual legally authorized by either of the parties.

ARTICLE XVII.

Vessels of United States captured by one of the Barbary States.

If any of the Barbary States, or other Powers, at war with the United States of America, shall capture any American vessel, and send her into any of the ports of the Regency of Tripoli, they shall not be permitted to sell her, but shall be obliged to depart the port, on procuring the requisite supplies of provisions; and no duties shall be exacted on the sale of prizes, captured by the vessels sailing under the flag of the United States of America, when brought into any port in the Regency of Tripoli.

ARTICLE XVIII.

If any of the citizens of the United States, or any persons under their

Disputes to be settled by the consul of United States.

protection, shall have any disputes with each other, the Consul shall decide between the parties, and whenever the Consul shall require any aid or assistance from the Government of Tripoli to enforce his decisions, it shall immediately be granted to him, and if any disputes shall arise between any citizen of the United States and the citizens or subjects of any other nation having a Consul or Agent in Tripoli; such disputes shall be settled by the Consuls or Agents of the respective nations.

ARTICLE XIX.

The *lex loci* to prevail with regard to homicides.

If a citizen of the United States should kill or wound a Tripoline, or, on the contrary, if a Tripoline shall kill or wound a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the Consul assisting at the trial; and if any delinquent shall make his escape, the Consul shall not be answerable for him in any manner whatever.

ARTICLE XX.

Citizens of United States dying in the Regency of Tripoli.

Should any of the citizens of the United States of America die within the limits of the Regency of Tripoli, the Bashaw and his subjects shall not interfere with the property of the deceased, but it shall be under the immediate direction of the Consul, unless otherwise disposed of by will. Should there be no Consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them, when they shall render an account of the property. Neither shall the Bashaw or his subjects give hindrance in the execution of any will that may appear.

Whereas the undersigned, Tobias Lear, Consul General of the United States of America, for the Regency of Algiers, being duly appointed Commissioner, by letters-patent under the signature of the President and seal of the United States of America, bearing date at the city of Washington, the 18th day of November, one thousand eight hundred and three, for negociating and concluding a treaty of peace between the United States of America, and the Bashaw, Bey, and subjects of the Regency of Tripoli in Barbary.

Now know ye, that I, Tobias Lear, Commissioner as aforesaid, do conclude the foregoing treaty, and every article and clause therein contained, reserving the same, nevertheless, for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the said United States.

Done at Tripoli, in Barbary, the fourth day of June, in the year one thousand eight hundred and five, corresponding with the sixth day of the first month of Rabbia, 1220.

TOBIAS LEAR.

Having appeared in our presence, Colonel Tobias Lear, Consul-General of the United States of America, in the Regency of Algiers, and Commissioner for negociating and concluding a treaty of peace and friendship between us and the United States of America, bringing with him the present treaty of peace, with the within articles, they were by

us minutely examined, and we do hereby accept, confirm, and ratify them, ordering all our subjects to fulfil entirely their contents without any violation, and under no pretext.

In witness whereof we, with the heads of our Regency, subscribe it.

Given at Tripoli, in Barbary, the sixth day of the first month of Rabbia, 1220, corresponding with the fourth day of June, 1805.

JUSUF CARAMANLY, *Bashaw.*	[L. S.]
MAHAMET CARAMANLY, *Bey.*	[L. S.]
MOHAMET, *Kahia.*	[L. S.]
HAMET, *Rais de Marine.*	[L. S.]
MAHAMET DEGHEIS, *First Minister.*	[L. S.]
SALAH, *Aga of Divan.*	[L. S.]
SELIM, *Hamadar.*	[L. S.]
MURAT, *Dulartile.*	[L. S.]
MURAT RAIS, *Admiral.*	[L. S.]
SOLIMAN, *Kehia.*	[L. S.]
ABDALLA, *Basa Aga.*	[L. S.]
MAHAMET, *Scheig al Belad.*	[L. S.]
ALLI BEN DIALE, *First Secretary.*	[L. S.]

TUNIS.

TUNIS, 1797.

TREATY OF PEACE AND FRIENDSHIP BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF TUNIS. CONCLUDED AUGUST, 1797, MARCH 26, 1799.

God is infinite.

Under the auspices of the greatest, the most powerful of all the Princes of the Ottoman nation who reign upon the earth, our most glorious and most august Emperor, who commands the two lands and the two seas, Selim Kan, the victorious son of the Sultan Moustafa, whose realm may God prosper until the end of ages, the support of Kings, the Seal of Justice, the Emperor of Emperors.

The Most Illustrious and Most Magnificent Prince, Hamouda Pacha, Bey, who commands the Odgiak of Tunis, the abode of happiness, and the Most Honored Ibrahim Dey, and Soliman, Aga of the Janissaries, and Chief of the Divan, and all the Elders of the Odgiak; and the Most Distinguished and Honored President of the Congress of the United States of America, the most distinguished among those who profess the religion of the Messiah, of whom may the end be happy.

We have concluded between us the present treaty of peace and friendship, all the articles of which have been framed by the intervention of Joseph Stephen Famin, French merchant residing at Tunis, Chargé d'Affaires of the United States of America, which stipulations and conditions are comprised in twenty-three articles, written and expressed in such manner as to leave no doubt of their contents, and in such way as not to be contravened.

ARTICLE I.

Peace and friendship.

There shall be a perpetual and constant peace between the United States of America and the Magnificent Pacha, Bey of Tunis; and also a permanent friendship, which shall more and more increase.

ARTICLE II.

Restoration of subjects and goods.

If a vessel of war of the two nations shall make prize of an enemy's vessel, in which may be found effects, property, and subjects of the two contracting parties, the whole shall be restored: the Bey shall restore the property and subjects of the United States, and the latter shall make a reciprocal restoration, it being understood on both sides that the just right to what is claimed shall be proved.

ARTICLE III.

Enemies' goods on board a vessel of the parties to be free.

Merchandise belonging to any nation which may be at war with one of the contracting parties, and loaded on board of the vessels of the other, shall pass without molestation, and without any attempt being made to capture or detain it.

ARTICLE IV.

On both sides sufficient passports shall be given to vessels, that they may be known and treated as friendly; and, considering the distance between the two countries, a term of eighteen months is given, within which term respect shall be paid to the said passports, without requiring the congé or document, (which, at Tunis, is called testa,) but after the said term the congé shall be presented.

Passports.

ARTICLE V.

If the corsairs of Tunis shall meet at sea with ships of war of the United States, having under their escort merchant-vessels of their nation, they shall not be searched or molested; and in such case the commanders shall be believed upon their word, to exempt their ships from being visited, and to avoid quarantine. The American ships of war shall act in like manner towards merchant-vessels escorted by the corsairs of Tunis.

Commander of a convoy to be believed upon his word in order to exempt it from search and quarantine.

ARTICLE VI.

If a Tunisian corsair shall meet with an American merchant-vessel, and shall visit it with her boat, she shall not exact anything, under pain of being severely punished. And in like manner if a vessel of war of the United States shall meet with a Tunisian merchant-vessel, she shall observe the same rule. In case a slave shall take refuge on board of an American vessel of war, the Consul shall be required to cause him to be restored; and if any of their prisoners shall escape on board of the Tunisian vessels they shall be restored. But if any slave shall take refuge in any American merchant vessel, and it shall be proved that the vessel has departed with the said slave, then he shall be returned, or his ransom shall be paid.

Nothing to be exacted from visits.

Fugitive slaves and prisoners.

ARTICLE VII.

An American citizen having purchased a prize vessel from our Odgiak, may sail with our passport, which we will deliver for the term of one year, by force of which our corsairs which may meet with her shall respect her; the Consul, on his part, shall furnish her with a bill of sale, and, considering the distance of the two countries, this term shall suffice to obtain a passport in form. But, after the expiration of this term, if our corsairs shall meet with her without the passport of the United States, she shall be stopped and declared good prize, as well the vessel as the cargo and crew.

Prize vessels.

ARTICLE VIII.

If a vessel of one of the contracting parties shall be obliged to enter into a port of the other, and may have need of provisions and other articles, they shall be granted to her without any difficulty, at the price current at the place; and if such a vessel shall have suffered at sea, and shall have need of repairs, she shall be at liberty to unload and reload her cargo, without being obliged to pay any duty; and the captain shall only be obliged to pay the wages of those whom he shall have employed in loading and unloading the merchandise.

Hospitality to be granted.

ARTICLE IX.

Wrecked vessels.

If, by accident and by the permission of God, a vessel of one of the contracting parties shall be cast by tempest upon the coasts of the other, and shall be wrecked or otherwise damaged, the commandant of the place shall render all possible assistance for its preservation, without allowing any person to make any opposition; and the proprietor of the effects shall pay the costs of salvage to those who may have been employed.

ARTICLE X.

Neutrality to be enforced.

In case a vessel of one of the contracting parties shall be attacked by an enemy under the cannon of the forts of the other party, she shall be defended and protected as much as possible; and when she shall set sail, no enemy shall be permitted to pursue her from the same port, or any other neighboring port, for forty-eight hours after her departure.

ARTICLE XI.

Salutes.

When a vessel of war of the United States of America shall enter the port of Tunis, and the Consul shall request that the castle may salute her, the number of guns shall be fired which he may request; and if the said Consul does not want a salute, there shall be no question about it.

But in case he shall desire the salute, and the number of guns shall be fired which he may have requested, they shall be counted and returned by the vessel in as many barrels of cannon powder.

The same shall be done with respect to the Tunisian corsairs when they shall enter any port of the United States.

ARTICLE XII.

Merchants.

When citizens of the United States shall come within the dependencies of Tunis, to carry on commerce there, the same respect shall be paid to them which the merchants of other nations enjoy; and if they wish to establish themselves within our ports, no opposition shall be made thereto; and they shall be free to avail themselves of such interpreters as they may judge necessary, without any obstruction, in conformity with the usages of other nations; and if a Tunisian subject shall go to establish himself within the dependencies of the United States, he shall be treated in like manner.

Tunisian subjects freighting an American vessel, &c.

If any Tunisian subject shall freight an American vessel and load her with merchandise, and shall afterwards want to unlade or ship them on board of another vessel, we will not permit him, until the matter is determined by a reference of merchants, who shall decide upon the case; and after the decision the determination shall be conformed to.

Embargoes.

No captain shall be detained in port against his consent, except when our ports are shut for the vessels of all other nations, which may take place with respect to merchant-vessels, but not to those of war.

Protection of the subjects of the parties.

The subjects of the two contracting powers shall be under the protection of the Prince, and under the jurisdiction of the Chief of the place where they may be, and no other person shall have authority over them. If the commandant of the place does not conduct himself agreeably to justice, a representation of it shall be made to us.

In case the Government shall have need of an American merchant-vessel, it shall cause it to be freighted, and then a suitable freight shall be paid to the captain agreeably to the intention of the Government, and the captain shall not refuse it.

Government of Tunis may freight American vessels.

ARTICLE XIII.

If among the crews of merchant-vessels of the United States there shall be found subjects of our enemies, they shall not be made slaves, on condition that they do not exceed a third of the crew; and when they do exceed a third, they shall be made slaves: The present article only concerns the sailors, and not the passengers, who shall not be in any manner molested.

Enemy's subjects on board the vessels of the parties made slaves.

ARTICLE XIV.

A Tunisian merchant who may go to America with a vessel of any nation soever, loaded with merchandise which is the production of the Kingdom of Tunis, shall pay duty (small as it is) like the merchants of other nations; and the American merchants shall equally pay for the merchandise of their country, which they may bring to Tunis under their flag, the same duty as the Tunisians pay in America.

Duties.

But if an American merchant, or a merchant of any other nation, shall bring American merchandise under any other flag, he shall pay six per cent. duty: In like manner, if a foreign merchant shall bring the merchandise of his country under the American flag, he shall also pay six per cent.

ARTICLE XV.

It shall be free for the citizens of the United States to carry on what commerce they please in the Kingdom of Tunis, without any opposition, and they shall be treated like the merchants of other nations; but they shall not carry on commerce in wine, nor in prohibited articles; and if any one shall be detected in a contraband trade, he shall be punished according to the laws of the country. The commandants of ports and castles shall take care, that the captains and sailors shall not load prohibited articles; but if this should happen, those who shall not have contributed to the smuggling shall not be molested nor searched, no more than shall the vessel and cargo; but only the offender, who shall be demanded to be punished. No captain shall be obliged to receive merchandise on board his vessel, nor to unlade the same against his will, until the freight shall be paid.

Liberty of commerce, contraband excepted.

Masters of vessels.

ARTICLE XVI.

The merchant-vessels of the United States which shall cast anchor in the road of the Gouletta, or any other port of the Kingdom of Tunis, shall be obliged to pay the same anchorage for entry and departure which French vessels pay, to wit: Seventeen piasters and a half, money of Tunis, for entry, if they import merchandise; and the same for departure, if they take away a cargo; but they shall not be obliged to pay anchorage if they arrive in ballast, and depart in the same manner.

Anchorage.

ARTICLE XVII.

Consul.

Each of the contracting parties shall be at liberty to establish a Consul in the dependencies of the other; and if such Consul does not act in conformity with the usages of the country, like others, the Government of the place shall inform his Government of it, to the end that he may be changed and replaced; but he shall enjoy, as well for himself as his family and suite, the protection of the Government; and he may import for his own use all his provisions and furniture without paying any duty; and if he shall import merchandise, (which it shall be lawful for him to do,) he shall pay duty for it.

ARTICLE XVIII.

Subjects contracting debts, &c.

If the subjects or citizens of either of the contracting parties, being within the possessions of the other, contract debts, or enter into obligations, neither the Consul nor the nation, nor any subjects or citizens thereof shall be in any manner responsible, except they or the Consul shall have previously become bound in writing; and without this obligation in writing, they cannot be called upon for indemnity or satisfaction.

ARTICLE XIX.

Effects of a decedent.

In case of a citizen or subject of either of the contracting parties dying within the possessions of the other, the Consul or the Vekil shall take possession of his effects, (if he does not leave a will,) of which he shall make an inventory; and the Government of the place shall have nothing to do therewith. And if there shall be no Consul, the effects shall be deposited in the hands of a confidential person of the place, taking an inventory of the whole, that they may eventually be delivered to those to whom they of right belong.

ARTICLE XX.

Consul's jurisdiction.

The Consul shall be the judge in all disputes between his fellow-citizens or subjects, as also between all other persons who may be immediately under his protection; and in all cases wherein he shall require the assistance of the Government where he resides to sanction his decisions, it shall be granted to him.

ARTICLE XXI.

Punishment for personal assaults.

If a citizen or subject of one of the parties shall kill, wound, or strike a citizen or subject of the other, justice shall be done according to the laws of the country where the offence shall be committed: The Consul shall be present at the trial; but if any offender shall escape, the Consul shall be in no manner responsible for it.

ARTICLE XXII.

If a dispute or law-suit on commercial or other civil matters shall happen, the trial shall be had in the presence of the Consul, or of a confidential person of his choice, who shall represent him, and endeavor to accommodate the difference which may have happened between the citizens or subjects of the two nations.

ARTICLE XXIII.

If any difference or dispute shall take place concerning the infraction of any article of the present treaty on either side, peace and good harmony shall not be interrupted, until a friendly application shall have been made for satisfaction; and resort shall not be had to arms therefor, except where such application shall have been rejected; and if war be then declared, the term of one year shall be allowed to the citizens or subjects of the contracting parties to arrange their affairs, and to withdraw themselves with their property.

In case of national differences, accommodation to be attempted before recourse is had to arms.

The agreements and terms above concluded by the two contracting parties shall be punctually observed with the will of the Most High. And for the maintenance and exact observance of the said agreements, we have caused their contents to be here transcribed, in the present month of Rebia Elul, of the Hegira one thousand two hundred and twelve, corresponding with the month of August of the Christian year one thousand seven hundred and ninety-seven.

The Aga SOLIMAN'S Signature and [SEAL.]	IBRAHIM DEY'S Signature and [SEAL.]	The Bey's Signature and [SEAL.]

Whereas the President of the United States of America, by his letters patent, under his signature and the seal of state, dated the eighteenth day of December, one thousand seven hundred and ninety-eight, vested Richard O'Brien, William Eaton, and James Leander Cathcart, or any two of them in the absence of the third, with full powers to confer, negotiate, and conclude with the Bey and Regency of Tunis, on certain alterations in the treaty between the United States and the Government of Tunis, concluded by the intervention of Joseph Etienne Famin, on behalf of the United States, in the month of August, one thousand seven hundred and ninety-seven, we, the underwritten William Eaton and James Leander Cathcart, (Richard O'Brien being absent,) have concluded on and entered, in the foregoing treaty, certain alterations in the eleventh, twelfth, and fourteenth articles, and do agree to said treaty with said alterations, reserving the same nevertheless for the final ratification of the President of the United States, by and with the advice and consent of the Senate.

[SEAL.]

In testimony whereof we annex our names and the consular seal of the United States. Done in Tunis, the twenty-sixth day of March, in the year of the Christian era one thousand seven hundred and ninety-nine, and of American Independence the twenty-third.

WILLIAM EATON.
JAMES LEANDER CATHCART.

TUNIS, 1824.

CONVENTION TO ALTER ARTICLES OF TREATY OF PEACE AND FRIENDSHIP BETWEEN THE UNITED STATES AND THE BEY OF TUNIS. CONCLUDED FEBRUARY 24, 1824; RATIFIED BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, AS EXPRESSED IN THEIR RESOLUTION OF JANUARY 13, 1825; PROCLAIMED JANUARY 21, 1825.

Whereas sundry articles of the treaty of peace and friendship, concluded between the United States of America and Hamuda Bashaw, of happy memory, in the month of Rebia Elul, in the year of the Hegira 1212, corresponding with the month of August, of the Christian year 1797, have, by experience, been found to require alteration and amendment: In order, therefore, that the United States should be placed on the same footing with the most favored nations having treaties with Tunis, as well as to manifest a respect for the American Government, and a desire to continue unimpaired the friendly relations which have always existed between the two nations, it is hereby agreed and concluded between His Highness Sidi Mahmoud Bashaw, Bey of Tunis, and S. D. Heap, Esquire, Chargé d'Affaires of the United States of America, that alteration be made in the sixth, eleventh, twelfth, and fourteenth articles of said treaty, and that the said articles shall be altered and amended in the treaty to read as follows:

ARTICLE the 6th—*As it now is.*

Visits at sea.

If a Tunisian corsair shall meet with an American vessel, and shall visit it with her boat, two men only shall be allowed to go on board, peaceably, to satisfy themselves of its being American, who, as well as any passengers of other nations they may have on board, shall go free, both them and their goods; and the said two men shall not exact anything, on pain of being severely punished. In case a slave escapes, and takes refuge on board an American vessel of war, he shall be free, and no demand shall be made either for his restoration or for payment.

Slaves escaping to be free.

ARTICLE 6th—*As it was.*

If a Tunisian corsair shall meet with an American merchant vessel, and shall visit it with her boat, she shall not exact anything, under pain of being severely punished. And, in like manner, if a vessel of war of the United States shall meet with a Tunisian merchant vessel, she shall observe the same rule. In case a slave shall take refuge on board of an American vessel of war, the Consul shall be required to cause him to be restored; and if any of their prisoners shall escape on board of the Tunisian vessels, they shall be restored; but if any slave shall take refuge in any American merchant vessel, and it shall be proved that the vessel has departed with the said slave, then he shall be returned, or his ransom shall be paid.

ARTICLE the 11th—*As it now is.*

Salutes.

When a vessel of war of the United States shall enter the port of the Gouletta, she shall be saluted with twenty-one guns, which salute the vessel of war shall return gun for

ARTICLE 11th—*As it was.*

When a vessel of war of the United States of America shall enter the port of Tunis, and the Consul shall request that the Castle may salute her, the number of guns shall be fired which he may request;

gun only, and no powder will be given, as mentioned in the ancient eleventh article of this treaty, which is hereby annulled.

and if the said Consul does not want a salute, there shall be no question about it.

But, in case he shall desire the salute, and the number of guns shall be fired which he may have requested, they shall be counted, and returned by the vessel in as many barrels of cannon-powder.

The same shall be done with respect to the Tunisian corsairs, when they shall enter any port of the United States.

ARTICLE the 12th—*As it now is.*

When citizens of the United States shall come within the dependencies of Tunis to carry on commerce there, the same respect shall be paid to them which the merchants of other nations enjoy; and if they wish to establish themselves within our ports, no opposition shall be made thereto, and they shall be free to avail themselves of such interpreters as they may judge necessary, without any obstruction, in conformity with the usages of other nations; and if a Tunisian subject shall go to establish himself within the dependencies of the United States, he shall be treated in like manner. If any Tunisian subject shall freight an American vessel, and load her with merchandise, and shall afterwards want to unload, or ship them on board of another vessel, we shall not permit him until the matter is determined by a reference of merchants, who shall decide upon the case; and after the decision the determination shall be conformed to.

No captain shall be detained in port against his consent, except when our ports are shut for the vessels of all other nations, which may take place with respect to merchant vessels, but not to those of war.

The subjects and citizens of the

ARTICLE 12th—*As it was.*

When citizens of the United States shall come within the dependencies of Tunis to carry on commerce there, the same respect shall be paid to them which the merchants of other nations enjoy; and if they wish to establish themselves within our ports, no opposition shall be made thereto; and they shall be free to avail themselves of such interpreters as they may judge necessary, without any obstruction, in conformity with the usages of other nations; and if a Tunisian subject shall go to establish himself within the dependencies of the United States, he shall be treated in like manner.

Commerce.

If any Tunisian subject shall freight an American vessel, and load her with merchandise, and shall afterwards want to unlade or ship them on board of another vessel, we will not permit him, until the matter is determined by a reference of merchants, who shall decide upon the case; and after the decision the determination shall be conformed to.

Freight.

No captain shall be detained in port against his consent, except when our ports are shut for the vessels of all other nations; which may take place with respect to mer-

No captain to be detained against his consent, except, &c.

Protection of citizens of the respective nations.

two nations, respectively, Tunisians and Americans, shall be protected in the places where they may be by the officers of the Government there existing; but, on failure of such protection, and for redress of every injury, the party may resort to the chief authority in each country, by whom adequate protection and complete justice shall be rendered. In case the Government of Tunis shall have need of an American vessel for its service, such vessel being within the Regency, and not previously engaged, the Government shall have the preference, on its paying the same freight as other merchants usually pay for the same service, or at the like rate, if the service be without a customary precedent.

Preference to Tunisian vessels for freight.

chant vessels, but not to those of war.

The subjects of the two contracting Powers shall be under the protection of the Prince, and under the jurisdiction of the chief of the place where they may be, and no other person shall have authority over them. If the Commandant of the place does not conduct himself agreeably to justice, a representation of it shall be made to us.

In case the Government shall have need of an American merchant vessel, it shall cause it to be freighted, and then a suitable freight shall be paid to the captain, agreeably to the intention of the Government, and the captain shall not refuse it.

ARTICLE the 14th—*As it now is.*

Trade.

All vessels belonging to the citizens and inhabitants of the United States shall be permitted to enter the ports of the Kingdom of Tunis, and freely trade with the subjects and inhabitants thereof, on paying the usual duties which are paid by other most favoured nations at peace with the Regency. In like manner, all vessels belonging to the subjects and inhabitants of the Kingdom of Tunis shall be permitted to enter the different ports of the United States, and freely trade with the citizens and inhabitants thereof, on paying the usual duties which are paid by other most favoured nations at peace with the United States.

ARTICLE 14th—*As it was.*

A Tunisian merchant, who may go to America with a vessel of any nation soever, loaded with merchandize, which is the production of the Kingdom of Tunis, shall pay duty (small as it is) like the merchants of other nations; and the American merchants shall equally pay for the merchandize of their country, which they may bring to Tunis, under their flag, the same duty as the Tunisians pay in America. But if an American merchant, or a merchant of any other nation, shall bring American merchandize under any other flag, he shall pay six per cent. duty; in like manner, if a foreign merchant shall bring the merchandize of his country under the American flag, he shall also pay six per cent.

Concluded, signed, and sealed, at the Palace of Bardo, near Tunis, the 24th day of the moon jumed-teni, in the year of the Hegira 1239, corresponding [to] the 24th of February, 1824, of the Christian year, and the 48th year of the Independence of the United States, reserving the same, nevertheless, for the final ratification of the President of the United States, by and with the advice and consent of the Senate.

S. D. HEAP, Chargé d'Affaires. [L. S.]
SIDI MAHMOUD'S signature and [L. S.]

TWO SICILIES.

TWO SICILIES, 1832.

CONVENTION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF THE KINGDOM OF THE TWO SICILIES, TO TERMINATE THE RECLAMATIONS OF SAID GOVERNMENT FOR THE DEPREDATIONS INFLICTED UPON AMERICAN COMMERCE BY MURAT DURING THE YEARS 1809, 1810, 1811, AND 1812. CONCLUDED OCTOBER 14, 1832; RATIFICATIONS EXCHANGED JUNE 8, 1833; PROCLAIMED AUGUST 27, 1833.

The Government of the United States of America and His Majesty the King of the Kingdom of the Two Sicilies, desiring to terminate the reclamations advanced by said Government against his said Majesty, in order that the merchants of the United States may be indemnified for the losses inflicted upon them by Murat, by the depredations, seizures, confiscations, and destruction of their vessels and cargoes, during the years 1809, 1810, 1811, and 1812, and His Sicilian Majesty desiring thereby to strengthen with the said Government the bonds of that harmony, not hitherto disturbed: The said Government of the United States and his aforesaid Majesty the King of the Kingdom of the Two Sicilies, have with one accord resolved to come to an adjustment; to effectuate which, they have respectively named and furnished with the necessary powers, viz:

The said Government of the United States, John Nelson, Esquire, a citizen of said States, and their Chargé d'Affaires near His Majesty the King of the Kingdom of the Two Sicilies; and His Majesty, His Excellency D. Antonio Maria Statella, Prince of Cassaro, Marquis of Spaccaforno, Count Statella, etc., etc., etc., his said Majesty's Minister Secretary of State for Foreign Affairs, etc., etc.;

Who, after the exchange of their respective full powers, found in good and due form, have agreed to the following articles:

ARTICLE I.

His Majesty the King of the Kingdom of the Two Sicilies, with a view to satisfy the aforesaid reclamations, for the depredations, sequestrations, confiscations, and destruction of the vessels and cargoes of the merchants of the United States, (and for every expense of every kind whatsoever incident to or growing out of the same,) inflicted by Murat during the years 1809, 1810, 1811, and 1812, obliges himself to pay the sum of two millions one hundred and fifteen thousand Neapolitan ducats to the Government of the United States; seven thousand six hundred and seventy-nine ducats, part thereof to be applied to reimburse the said Government for the expense incurred by it in the transportation of American seamen from the Kingdom of Naples, during the year 1810, and the residue to be distributed amongst the claimants by the said Government of the United States, in such manner and according to such rules as it may prescribe.

Payment to be made for spoliations on American property.

ARTICLE II.

The sum of two millions one hundred and fifteen thousand Neapolitan ducats agreed on in article the 1st, shall be paid in Naples, in nine equal installments of two hundred and thirty-five thousand ducats, and with interest thereon at the rate of four per centum per annum, to be calculated from the date of the interchange of the ratifications of this convention, until the whole sum shall be paid. The first installment shall be payable twelve months after the exchange of the said ratifications, and the remaining installments, with the interest, successively, one year after another. The said payments shall be made in Naples into the hands of such person as shall be duly authorized by the Government of the United States to receive the same.

To be paid in nine equal installments.

ARTICLE III.

The present convention shall be ratified and the ratifications thereof shall be exchanged in this capital, in the space of eight months from this date, or sooner if possible.

Ratifications.

In faith whereof the parties above named have respectively subscribed these articles, and thereto affixed their seals.

Done at Naples on the 14th day of October, one thousand eight hundred and thirty-two.

JNO. NELSON. [SEAL.]
THE PRINCE OF CASSARO. [SEAL.]

TWO SICILIES, 1845.

TREATY OF COMMERCE AND NAVIGATION WITH THE TWO SICILIES. CONCLUDED DECEMBER 1, 1845; RATIFICATIONS EXCHANGED AT NAPLES, JUNE 1, 1846; PROCLAIMED JULY 24, 1846.

The United States of America and His Majesty the King of the Kingdom of the Two Sicilies, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective States, and consolidating the commercial intercourse between them, have agreed to enter in negotiation for the conclusion of a treaty of commerce and navigation, for which purpose they have appointed Plenipotentiaries, that is to say:

The President of the United States of America, William H. Polk, Chargé d'Affaires of the same United States of America to the Court of His Majesty the King of the Kingdom of the Two Sicilies; and His Majesty the King of the Kingdom of the Two Sicilies, D. Giustino Fortunato, Knight Grand Cross of the Royal Military Constantinian Order of St. George, and of Francis the 1st, Minister Secretary of State of His said Majesty; D. Michael Gravina and Requesenz, Prince of Comitini, Knight Grand Cross of the Royal Order of Francis the 1st, Gentleman of the Chamber in Waiting, and Minister Secretary of State of his said Majesty; and D. Antonio Spinelli, of Scalea, Commander of the Rl. Order of Francis the 1st, Gentleman of the Chamber of His said Majesty, Member of the General Consulta, and Surintendant-General of the Archives of the Kingdom;

Negotiators.

Who, after having each others exchanged their full powers, found in good and due form, have concluded and signed the following articles:

ARTICLE I.

There shall be reciprocal liberty of commerce and navigation between the United States of America and the Kingdom of the Two Sicilies.

Reciprocal liberty of commerce and navigation.

No duty of customs, or other impost, shall be charged upon any goods the produce or manufacture of one country, upon importation by sea or by land from such country into the other, other or higher than the duty or impost charged upon goods of the same kind, the produce or manufacture of, or imported from, any other country; and the United States of America and His Majesty the King of the Kingdom of the Two Sicilies do hereby engage that the subjects or citizens of any other State shall not enjoy any favour, privilege, or immunity whatever, in matters of commerce and navigation, which shall not also and at the same time be extended to the subjects or citizens of the other high contracting party, gratuitously, if the concession in favour of that other State shall have been gratuitous, and in return for a compensation, as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

Duties to be imposed on importations.

Favors granted.

ARTICLE II.

All articles of the produce or manufacture of either country, and of their respective States, which can legally be imported into either country from the other, in ships of that other country, and thence coming, shall, when so imported, be subject to the same duties and enjoy the same privileges, whether imported in ships of the one country or in ships of the other; and, in like manner, all goods which can legally be exported or re-exported from either country to the other, in ships of that other country, shall, when so exported or re-exported, be subject to the same duties, and be entitled to the same privileges, drawbacks, bounties, and allowances, whether exported in ships of the one country or in ships of the other.

Equalization of duties, &c., on imports and exports

ARTICLE III.

No duties of tonnage, harbour, light-houses, pilotage, quarantine, or other similar duties, of whatever nature, or under whatever denomination, shall be imposed in either country upon the vessels of the other, in respect of voyages between the United States of America and the Kingdom of the Two Sicilies, if laden, or in respect of any voyage, if in ballast, which shall not be equally imposed in the like cases on national vessels.

Equalization of tonnage, harbor, and light-house duties.

ARTICLE IV.

It is hereby declared, that the stipulations of the present treaty are not to be understood as applying to the navigation and carrying trade between one port and another, situated in the States of either contracting party, such navigation and trade being reserved exclusively to national vessels. Vessels of either country shall, however, be permitted to load or unload the whole or part of their

Coasting trade.

cargoes at one or more ports in the States of either of the high contracting parties, and then to proceed to complete the said loading or unloading *to* [at] any other port or ports in the same States.

ARTICLE V.

No preference to be given by either party to importations.

Neither of the two Governments, nor any corporation or agent acting in behalf or under the authority of either Government, shall, in the purchase of any article which, being the growth, produce, or manufacture of the one country, shall be imported into the other, give, directly or indirectly, any priority or preference on account of or in reference to the national character of the vessel in which such article shall have been imported; it being the true intent and meaning of the high contracting parties that no distinction or difference whatever shall be made in this respect.

ARTICLE VI.

Residence, &c.

The high contracting parties engage, in regard to the personal privileges, that the citizens of the United States of America shall enjoy in the dominions of His Majesty the King of the Kingdom of the Two Sicilies, and the subjects of His said Majesty in the United States of America, that they shall have free and undoubted right to travel and to reside in the States of the two high contracting parties, subject to the same precautions of police which are practiced towards the subjects or citizens of the most favoured nations.

Personal property.

They shall be entitled to occupy dwellings and warehouses, and to dispose of their personal property of every kind and description, by sale, gift, exchange, will, or in any other way whatever, without the smallest hindrance or obstacle; and their heirs or representatives, being subjects or citizens of the other high contracting party, shall succeed to their personal goods, whether by testament or ab intestato; and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at will, paying to the profit of the respective Governments such dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And in case of the absence of the heir and representative, such care shall be taken of the said goods as would be taken of the goods of a native of the same country in like case, until the lawful owner may take measures for receiving them. And if a question should arise among several claimants as to which of them said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are.

In absence of the heirs.

Taxes.

They shall not be obliged to pay, under any pretence whatever, any taxes or impositions, other or greater than those which are paid or may hereafter be paid by the subjects or citizens of the most favoured nations, in the respective States of the high contracting parties.

Military service, forced loans, &c.

Dwellings.

Search of houses or examination of papers.

They shall be exempt from all military service, whether by land or by sea; from forced loans, and from every extraordinary contribution not general and by law established. Their dwellings, warehouses, and all premises appertaining thereto, destined for purposes of commerce or residence, shall be respected. No arbitrary search of or *or* visit to their houses, and no arbitrary examination or inspection whatever of the books, papers, or accounts of their trade, shall be made, but such measures shall be executed only in conformity with the

legal sentence of a competent tribunal; and each of the two high contracting parties engages that the citizens or subjects of the other, residing in their respective States, shall enjoy their property and personal security in as full and ample manner as their own citizens or subjects, or the subjects or citizens of the most favoured nations.

Rights of property guaranteed.

ARTICLE VII.

The citizens and the subjects of each of the two high contracting parties shall be free in the States of the other to manage their own affairs themselves, or to commit those affairs to the management of any persons whom they may appoint as their broker, factor, or agent; nor shall the citizens and subjects of the two high contracting parties be restrained in their choice of persons to act in such capacities, nor shall they be called upon to pay any salary or remuneration to any person whom they shall not choose to employ.

Citizens and subjects of each party in the country of the other may manage their own affairs or select their own agents, &c.

Absolute freedom shall be given in all cases to the buyer and seller to bargain together, and to fix the price of any goods or merchandise imported into or to be exported from the States and dominions of the two high contracting parties; save and except generally such cases wherein the laws and usages of the country may require the intervention of any special agents in the States and dominions of the high contracting parties.

Absolute freedom given to buyers and sellers.

ARTICLE VIII.

Each of the two high contracting parties may have, in the ports of the other, Consuls, Vice-Consuls, and Commercial Agents, of their own appointment, who shall enjoy the same privileges and powers of those of the most favored nations; but if any such Consuls shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted in the same place.

Consuls.

The said Consuls, Vice-Consuls, and Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest, detention, and imprisonment of the deserters from the ships of war and merchant-vessels of their country. For this purpose, they shall apply to the competent tribunals, judges, and officers, and shall in writing demand the said deserters, proving, by the exhibition of the registers of the vessel, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and this reclamation being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country by a vessel of the same nation, or any other vessel whatsoever. But if not sent back within four months from the day of their arrest, or if all the expenses of such imprisonment are not defrayed by the party causing such arrest and imprisonment, they shall be set at liberty, and shall not be again arrested for the same cause.

Deserters.

However, if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal, before which his case shall be depending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

ARTICLE IX.

Vessels of either party wrecked on the coast of the other, and merchandise saved therefrom, shall be restored to owners.

If any ships of war or merchant vessels be wrecked on the coasts of the States of either of the high contracting parties, such ships or vessels, or any parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored with the least possible delay, to the proprietors, upon being claimed by them, or by their duly authorized factors; and if there are no such proprietors or factors on the spot, then the said goods and merchandise, or the proceeds thereof, as well as all the papers found on board such wrecked ships or vessels, shall be delivered to the American or Sicilian Consul or Vice-Consul in whose district the wreck may have taken place; and such Consul, Vice-Consul, proprietors, or factors, shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage, and expenses of quarantine, which would have been payable in the like case of a wreck of a national vessel; and the goods and merchandise saved from the wreck shall not be subject to duties, unless cleared for consumption; it being understood that in case of any legal claim upon such wreck, goods, or merchandise, the same shall be referred for decision to the competent tribunals of the country.

Goods found.

Legal claims on such wreck.

ARTICLE X.

Vessels of either party forced by stress of weather into the ports of the other.

The merchant vessels of each of the two high contracting parties, which may be forced by stress of weather or other cause into one of the ports of the other, shall be exempt from all duty of port or navigation paid for the benefit of the State, if the motives which led to take refuge be real and evident, and if no operation of commerce be done by loading or unloading merchandises; [it being] well understood, however, that the loading or unloading, which may regard the subsistence of the crew, or necessary for the reparation of the vessel, shall not be considered operations of commerce, which lead to the payment of duties, and that the said vessels do not stay in port beyond the time necessary, keeping in view the cause which led [to] taking refuge.

Loading or unloading, in certain cases, not considered engaging in commerce.

ARTICLE XI.

Difference of duty.

To carry always more fully into effect the intentions of the two high contracting parties, they agree that every difference of duty, whether of the ten per cent. or other, established in the respective States, to the prejudice of the navigation and commerce of those nations which have not treaties of commerce and navigation with them, shall cease and remain abolished in conformity to the principle established in the 1st article of the present treaty, as well on the productions of the soil and industry of the Kingdom of the Two Sicilies, which therefrom shall be imported in the United States of America, whether in vessels of the one or of the other country, as on those which, in like manner, shall be imported in the Kingdom of the Two Sicilies in vessels of both countries.

They declare, besides, that as the productions of the soil and industry of the two countries, on their introduction in the ports of the other, shall not be subject to greater duties than those which shall be imposed

on the like productions of the most favoured nations, so the red and white wines of the Kingdom of the Two Sicilies of every kind, including those of Marsala, which may be imported directly into the United States of America, whether in vessels of the one or of the other country, shall not pay higher or greater duties than those of the red and white wines of the most favoured nations. And in like manner the cottons of the United States of America, which may be imported directly in[to] the Kingdom of the Two Sicilies, whether in vessels of the one or other nation, shall not pay higher or greater duties than the cottons of Egypt, Bengal, or those of the most favoured nations.

Duties on wines.

Duties on cottons.

ARTICLE XII.

The present treaty shall be in force from this day, and for the term of ten years, and further, until the end of twelve months after either of the high contracting parties shall have given notice to the other of its intention to terminate the same; each of the said high contracting parties reserving to itself the right of giving such notice at the end of the said term of ten years, or at any subsequent term.

This treaty to be in force ten years, and until 12 months after either party give notice, &c.

ARTICLE XIII.

The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said States, and by His Majesty the King of the Kingdom of the Two Sicilies, and the ratifications shall be exchanged at Naples, at the expiration of six months from the date of its signature, or sooner if possible.

Ratifications.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto the seals of their arms.

Done at Naples the first of December, in the year one thousand eight hundred and forty-five.

WILLIAM H. POLK. [L. S.]
GIUSTINO FORTUNATO. [L. S.]
IL PRINCIPE DI COMITINI. [L. S.]
ANTONIO SPINELLI. [L. S.]

TWO SICILIES, 1855.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF THE KINGDOM OF THE TWO SICILIES, RELATIVE TO THE RIGHTS OF NEUTRALS AT SEA. SIGNED AT NAPLES, JANUARY 13, 1855; RATIFICATIONS EXCHANGED AT WASHINGTON, JULY, 14, 1855; PROCLAIMED JULY 16, 1855.

The United States of America and His Majesty the King of the Kingdom of the Two Sicilies, equally animated with a desire to maintain and to preserve from all harm the relations of good understanding which have at all times so happily subsisted between themselves, as also between the inhabitants of their respective States, have mutually agreed to perpetuate, by means of a formal con-

Preamble.

vention, the principles of the right of neutrals at sea, which they recognize as indispensable conditions of all freedom of navigation and maritime trade. For this purpose the President of the United States has conferred full powers on Robert Dale Owen, Minister Resident at Naples of the United States of America; and His Majesty the King of the Kingdom of the Two Sicilies has conferred like powers on Mr. Louis Carafa della Spina, of the Dukes of Traetto, Weekly Major-domo of His Majesty, Commendator of His Royal Order of the Civil Merit of Francis the First, Grand Cross of the distinguished Rl. Spanish Order of Charles the Third, Great Officer of the Order of the Legion d'Honneur, Grand Cross of the Order of S. Michael of Baviera, Grand Cross of the Florentine Order of the Merit under the title of S. Joseph, Grand Cross of the Order of Parma of the Merit under the title of S. Ludovico, Grand Cross of the Brasilian Order of the Rose, provisionally charged with the port-folio of Foreign Affairs;

Negotiators.

And said Plenipotentiaries, after having exchanged their full powers, found in good and due form, have concluded and signed the following articles:

ARTICLE I.

The two high contracting parties recognize as permanent and immutable the following principles, to wit: 1st. That free ships make free goods; that is to say, that the effects or goods belonging to subjects or citizens of a Power or State at war are free from capture and confiscation when found on board of neutral vessels, with the exception of articles contraband of war. 2d. That the property of neutrals on board an enemy's vessel is not subject to confiscation unless the same be contraband of war. They engage to apply these principles to the commerce and navigation of all such Powers and States as shall consent to adopt them on their part as permanent and immutable.

Free ships to make free goods, except contraband.

Neutral property.

ARTICLE II.

The two high contracting parties reserve themselves to come to an ulterior understanding as circumstances may require with regard to the application and extension to be given, if there be any cause for it, to the principles laid down in the 1st article. But they declare from this time that they will take the stipulations contained in said article 1st as a rule, whenever it shall become a question, to judge of the rights of neutrality.

Understanding as to application of these principles.

ARTICLE III.

It is agreed by the high contracting parties that all nations which shall or may consent to accede to the rules of the first article of this convention, by a formal declaration stipulating to observe them, shall enjoy the rights résulting from such accession as they shall be enjoyed and observed by the two Powers signing this convention. They shall mutually communicate to each other the results of the steps which may be taken on the subject.

Other nations may accede to the above principles.

ARTICLE IV.

The present convention shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of said States, and by

Ratifications.

His Majesty the King of the Kingdom of the Two Sicilies; and the ratifications of the same shall be exchanged at Washington within the period of twelve months, counting from this day, or sooner if possible.

In faith whereof, the respective Plenipotentiaries have signed the present convention in duplicate, and thereto affixed the seal of their arms.

Done at Naples, thirteenth of January, eighteen hundred and fifty-five.

ROBERT DALE OWEN. [L. S.]
LUIGI CARAFA. [L. S.]

TWO SICILIES, 1855.

CONVENTION OF AMITY, COMMERCE, AND NAVIGATION, AND FOR SURRENDER OF FUGITIVE CRIMINALS, BETWEEN THE UNITED STATES AND THE TWO SICILIES. CONCLUDED OCTOBER 1, 1855; RATIFICATIONS EXCHANGED NOVEMBER 7, 1856; PROCLAIMED DECEMBER 10, 1856.

Preamble.

The United States of America and His Majesty the King of the Kingdom of the Two Sicilies, equally animated with the desire to strengthen and perpetuate the relations of amity and good understanding which have at all times subsisted between the two countries, desiring also to extend and consolidate the commercial intercourse between them; and convinced that nothing will more contribute to the attainment of this desirable object than an entire freedom of navigation, the abolition of all differential duties of navigation and of commerce, and a perfect reciprocity, based on principles of equity, equally beneficial to both countries, and applicable alike in peace and in war, have resolved to conclude a general convention of amity, commerce, navigation, and for the surrender of fugitive criminals. For this purpose, they have respectively appointed Plenipotentiaries, to wit:

Negotiators.

The President of the United States has appointed Robert Dale Owen, Minister Resident of the United States near His Majesty the King of the Kingdom of the Two Sicilies; and His Majesty the King of the Kingdom of the Two Sicilies has appointed Don Lewis Carafa della Spina, of the Dukes of Traetto, Weekly Majordomo of His Majesty, Commander of His Royal Order of Civil Merit of Francis the First, Grand Cross of the distinguished Royal Spanish Order of Charles the Third, Grand Officer of the Order of the Legion of Honor, Grand Cross of the Order of St. Michael of Bavaria, Grand Cross of the Florentine Order of Merit under the title of St. Joseph, Grand Cross of the Order of Merit of Parma under the title of St. Ludovico, Grand Cross of the Brazilian Order of the Rose, charged provisionally with the Portfolio of Foreign Affairs; and Don Michael Gravina e Requesenz, Prince of Comitini, his Gentleman of the Bedchamber in exercise, Chevalier Grand Cross of his Royal Order of Francis the First, invested with the Grand Cordon of the Order of the Legion of Honor, and the Grand Cross of the following orders, namely: of Leopold of Austria, of the Red Eagle of Prussia, of the White Eagle of Russia, of St. Maurice and Lazarus of Sardinia, of Dannebrog of Denmark, of Leopold of Belgium, and of the Crown of Oak of the Low Countries, late his Minister Secretary of State; and Don Joseph Marius Arpino, Advocate-General of the Grand Court of Accounts;

And the said Plenipotentiaries, after having exchanged their respect-

ive full powers, found in good and due form, have concluded and signed the following articles:

ARTICLE I.

Peace established.

It is the intention of the two high contracting parties that there shall be, and continue through all time, a firm, inviolable, and universal peace, and a true and sincere friendship, between them and between their respective territories, cities, towns, and people, without exception of persons or places. But if, notwithstanding, the two nations should, unfortunately, become involved in war, one with the other, the term of six months, from and after the declaration thereof, shall be allowed to the merchants and other inhabitants, respectively, on each side, during which term they shall be at liberty to withdraw themselves, with all their effects, which they shall have the right to carry away, send away, or sell, as they please, without hinderance or molestation. During such period of six months their persons and their effects, including money, debts, shares in the public funds or in banks, and any other property, real or personal, shall be exempt from confiscation or sequestration; and they shall be allowed freely to sell and convey any real estate to them belonging, and to withdraw and export the proceeds without molestation, and without paying, to the profit of the respective governments, any taxes or dues other or greater than those which the inhabitants of the country wherein said real estate is situated shall, in similar cases, be subject to pay. And passports, valid for a sufficient term for their return, shall be granted, as a safe-conduct for themselves, their vessels, and the money and effects which they may carry or send away, against the assaults and prizes which may be attempted against their persons and effects, as well by vessels of war of the contracting parties as by their privateers.

Withdrawal of persons and property in case of war.

ARTICLE II.

Blockades.

Considering the remoteness of the respective countries of the two contracting parties, and the uncertainty resulting therefrom, with respect to the various events which may take place, it is agreed that a merchant vessel belonging to either of them, which may be bound to a port supposed at the time of its departure to be blockaded, shall not, however, be captured or condemned for having attempted a first time to enter said port, unless it can be proved that said vessel could and ought to have learned, during its voyage, that the blockade of the place in question still continued. But all vessels which, after having been warned off once, shall, during the same voyage, attempt a second time to enter the same blockaded port, during the continuance of the same blockade, shall thereby subject themselves to be detained and condemned.

By blockaded port, is understood one into which, by the disposition of the Power which attacks it with a proportionate number of ships sufficiently near, there is evident danger in entering.

ARTICLE III.

Contraband.

The high contracting parties, in order to prevent and avoid all dispute by determining, with certainty, what shall be considered by them contraband in time of war, and as such cannot be conveyed to the countries, cities, places, or seaports of their enemies, have declared and agreed that under the name of contraband

of war shall be comprised only cannons, mortars, petards, granades, muskets, balls, bombs, gun-carriages, gunpowder, saltpetre, matches; troops, whether infantry or cavalry, together with all that appertains to them; as also every other munition of war, and, generally, every species of arms, and instruments in iron, steel, brass, copper, or any other material whatever, manufactured, prepared, and made expressly for purposes of war, whether by land or sea.

And it is expressly declared and understood that the merchandise above set forth as contraband of war shall not entail confiscation, either on the vessel on which it shall have been loaded, or on the merchandise forming the rest of the cargo of said vessel, whether the said merchandise belong to the same or to a different owner.

Vessels and other goods not forfeited with the contraband.

ARTICLE IV.

The citizens and subjects of each of the high contracting parties shall have free and undoubted right to travel and reside in the States of the other, remaining subject only to the precautions of police which are practised towards the citizens or subjects of the most favored nations.

Right of travellers and residents.

ARTICLE V.

The citizens or subjects of one of the high contracting parties, travelling or residing in the territories of the other, shall be free from all military service, whether by land or sea, from all billeting of soldiers in their houses, from every extraordinary contribution, not general and by law established, and from all forced loans; nor shall they be held, under any pretence whatever, to pay any taxes or impositions, other or greater than those which are or may hereafter be paid by the subjects or citizens of the most favored nations, in the respective States of the high contracting parties. Their dwellings, warehouses, and all premises appertaining thereto, destined for purposes of commerce or residence, shall be respected. No arbitrary search of or visit to their houses, whether private or of business, and no arbitrary examination or inspection whatever of their books, papers, or accounts of trade, shall be made; but such measures shall have place only in virtue of warrant granted by the judicial authorities. And each of the high contracting parties expressly engages that the citizens or subjects of the other, residing in their respective States, shall enjoy their property and personal security, in as full and ample a manner as their own citizens or subjects, or the citizens or subjects of the most favored nations.

Exemption of citizens from contributions, military service, &c.

ARTICLE VI.

The citizens and subjects of each of the contracting parties, residing in the States of the other, shall be entitled to carry on commerce, arts, or trade, and to occupy dwellings, shops, and warehouses, and to dispose of their property of every kind, whether real or personal, by sale, gift, exchange, or in any other way, without hinderance or obstacle. And they shall be free to manage their own affairs themselves, or to commit those affairs to persons whom they may appoint as broker, factor, or agent; nor shall they be restrained in their choice of persons to act in such capacities; nor shall they be called upon to pay any salary or remuneration to any person whom they shall not choose to employ. Absolute freedom shall also be given in all cases to the buyer and seller to bargain together, and also to fix the price of

Commercial rights.

any goods or merchandise imported into or to be exported from the States of either of the contracting parties, save and except cases where the laws of the said States may require the intervention of special agents, or where, in either of the countries, articles may be the subject of a Government monopoly, as at present in the Kingdom of the Two Sicilies the royal monopolies of tobacco, salt, playing cards, gunpowder, and saltpetre.

It being expressly understood, however, that none of the provisions of the present treaty shall be so construed as to take away the right of either of the high contracting parties to grant patents of invention or improvement, either to the inventors or to others, and that the principles of reciprocity established by this treaty shall not extend to premiums which either of the high contracting parties may grant to their own citizens or subjects for the encouragement of the building of ships to sail under their own flag.

ARTICLE VII.

Succession to property.

As to any citizen or subject of either of the high contracting parties dying within the jurisdiction of the other, his heirs being citizens or subjects of the other, shall succeed to his personal property, and either to his real estate or to the proceeds thereof, whether by testament or ab intestato; and may take possession thereof, either by themselves or by others acting for them; and may dispose of the same at will, paying to the profit of the respective Governments such dues only as the inhabitants of the country wherein the said property is, shall be subject to pay in like cases. And in case of the absence of the heir or of his representatives, the same care shall be taken of the said property as would be taken, in like cases, of the effects of the natives of the country itself; the respective Consular Agents having notice from the competent judicial authorities of the day and hour in which they will proceed to the imposing or removing of seals and to the making out of an inventory, in all cases where such proceedings are required by law; so that the said Consular Agent may assist thereat. The respective Consuls may demand the delivery of the hereditary effects of their countrymen, which shall be immediately delivered to them, if no formal opposition to such delivery shall have been made by the creditors of the deceased, or otherwise, as soon as such opposition shall have been legally overruled. And if a question shall arise as to the rightful ownership of said property, the same shall be finally decided by the laws and judges of the land wherein the said property is. And the citizens and subjects of either of the contracting parties in the States of the other shall have free access to the tribunals of justice of said States, on the same terms which are granted by the laws and usages of the country to native citizens or subjects; and they may employ, in defence of their interests and rights, such advocates, attorneys, and other agents, being citizens or subjects of the other, as they may choose to select.

Trial of cases.

ARTICLE VIII.

Commerce and navigation.

There shall be, between the territories of the high contracting parties, reciprocal liberty of commerce and navigation; and to that effect the vessels of their respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party wherever national vessels arriving from abroad are per-

mitted to enter. And all vessels of either of the two contracting parties arriving in the ports of the other shall be treated, on their arrival, during their stay, and at their departure, on the same footing as national vessels, as regards port charges, and all charges of navigation, such as of tonnage, light-houses, pilotage, anchorage, quarantine, fees of public functionaries, as well as all taxes or impositions of whatever sort, and under whatever denomination, received in the name, and for the benefit of the Government, or of local authorities, or of any private institution whatsoever, whether the said vessels arrive or depart in ballast, or whether they import or export merchandise.

Article IX.

The national character of the vessels of the respective countries shall be recognized and admitted by each of the parties, according to its own laws and special rules, by means of papers granted by the competent authorities to the captains or masters. And no vessels of either of the contracting parties shall be entitled to profit by the immunities and advantages granted in the present treaty, unless they are provided with the proper papers and certificates, as required by the regulations existing in the respective countries, to establish their tonnage and their nationality.

National character of vessels.

Article X.

The vessels of each of the high contracting parties shall be allowed to introduce into the ports of the other, and to export thence, and to deposit and store there, every sort of goods, wares, and merchandise, from whatever place the same may come, the importation and exportation of which are legally premitted in the respective States, without being held to pay other or heavier custom-house duties or imposts, of whatever kind or name, other or of higher rate than those which would be paid for similar goods or products if the same were imported or exported in national vessels; and the same privileges, drawbacks, bounties, and allowances which may be allowed by either of the contracting parties on any merchandise imported or exported in their own vessels shall be allowed, also, on similar produce imported or exported in vessels of the other party.

Right to export and import.

Article XI.

No priority or preference shall be given, directly or indirectly, by either of the contracting parties, nor by any company, corporation, or agent, in their behalf, or under their authority, in the purchase of any article of commerce lawfully imported on account of or in reference to the character of the vessel in which such article was imported; it being the true intent and meaning of the contracting parties that no distinction or difference shall be made in this respect.

Discrimination as to trade.

Article XII.

The principles contained in the foregoing articles shall be applicable in all their extent to vessels of each of the high contracting parties, and to their cargoes, whether the said vessels arrive from the ports of either of the contracting parties, or from those of any other foreign country, so that, as far as regards dues of navigation or of

Same subject.

customs, there shall not be made, either in regard to direct or indirect navigation, any distinction whatever between the vessels of the two contracting parties.

ARTICLE XIII.

Same subject.

The above stipulations shall not, however, extend to fisheries, nor to the coasting trade from one port to another in each country, whether for passengers or merchandise, and whether by sailing vessels or steamers, such navigation and traffic being reserved exclusively to national vessels.

But, notwithstanding, the vessels of either of the two contracting parties may load or unload in part at one or more ports of the territories of the other, and then proceed to any other port or ports in said territories to complete their loading or unloading, in the same manner as a national vessel might do.

ARTICLE XIV.

Discriminating duties.

No higher or other duty shall be imposed on the importation, by sea or land, into the United States, of any article the growth, produce, or manufacture of the Kingdom of the Two Sicilies, or of her fisheries; and no higher or other duty shall be imposed on the importation, by sea or by land, into the Kingdom of the Two Sicilies, of any article the growth, produce, or manufacture of the United States or their fisheries, than are or shall be payable on the like articles the growth, produce, or manufacture of any other foreign country.

No other or higher duties and charges shall be imposed in the United States on the exportation of any article to the Kingdom of the Two Sicilies, or in the Kingdom of the Two Sicilies on the exportation of any article to the United States, than such as are or shall be payable on the exportation of the like article to any foreign country. And no prohibition shall be imposed on the importation or exportation of any article the growth, produce, or manufacture of the United States or their fisheries, or of the Kingdom of the Two Sicilies and her fisheries, from or to the ports of the United States or of the Kingdom of the Two Sicilies, which shall not equally extend to every other foreign country.

ARTICLE XV.

Rights of the most favored nation granted.

If either of the high contracting parties shall hereafter grant to any other nation any particular favor, privilege, or immunity, in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, and on yielding the same compensation, or a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, when the grant is conditional.

ARTICLE XVI.

Vessels forced into port by stress of weather.

The vessels of either of the high contracting parties that may be constrained by stress of weather, or other accident, to seek refuge in any port within the territories of the other, shall be treated there in every respect as a national vessel would be in the same strait: Provided, however, that the causes which gave rise to this forced landing are real and evident; that the vessel does not engage in any commercial operation, as loading or unloading merchandise; and at its stay in the said port is not prolonged beyond the time rendered

necessary by the causes which constrained it to land; it being understood, nevertheless, that any landing of passengers, or any loading or unloading caused by operations of repair of the vessel or by the necessity of providing subsistence for the crew, shall not be regarded as a commercial operation.

ARTICLE XVII.

Wrecks.

In case any ship of war or merchant-vessel shall be wrecked on the coasts or within the maritime jurisdiction of either of the high contracting parties, such ships or vessels, or any parts thereof, and all furniture and appurtenances belonging there to, and all goods and merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored, with the least possible delay, to the proprietors, upon being claimed by them, or by their duly authorized factors; and if there are no such proprietors or factors on the spot, then the said goods and merchandise, or the proceeds thereof, as well as all the papers found on board such wrecked ships or vessels, shall be delivered to the American or Sicilian Consul, or Vice-Consul, in whose district the wreck may have taken place, and such Consul, Vice-Consul, proprietors, or factors, shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage and expenses of quarantine, which would have been payable in the like case of a wreck of a national vessel; and the goods and merchandise saved from the wreck shall not be subject to duties, unless cleared for consumption; it being understood that in case of any legal claim upon such wreck, goods, or merchandise, the same shall be referred for decision to the competent tribunals of the country.

ARTICLE XVIII.

Consuls, &c.

Each of the high contracting parties grants to the other, subject to the usual exequatur, the liberty of having, in the ports of the other where foreign commerce is usually permitted, Consuls, Vice-consuls, and Commercial Agents of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations; but if any such Consul, Vice-Consul, or Commercial Agent shall exercise commerce, he shall be subjected to the same laws and usages to which private individuals of the nation are subjected in the same place. And whenever either of the two contracting parties shall select for a Consular Agent a citizen or subject of this last, such Consular Agent shall continue to be regarded, notwithstanding his quality of foreign Consul, as a citizen or a subject of the nation to which he belongs, and consequently shall be submitted to the laws and regulations to which natives are subjected. This obligation, however, shall not be so construed so as to embarrass his consular functions, nor to affect the inviolability of the consular archives.

ARTICLE XIX.

The said Consuls, Vice-consuls, and Commercial Agents shall have the right as such to judge, in quality of arbitrators, such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crew, or of the captain, should disturb the public peace or order of the country, or such Consul, Vice-Consul, or Commercial Agent should require their

assistance to cause his decisions to be carried into effect or supported. Nevertheless, it is understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return home, to the judicial authorities of their own country.

ARTICLE XX.

Deserters.

The said Consuls, Vice-Consuls, and Commercial Agents may cause to be arrested and sent back, either on board or to their own country, sailors and all other persons who, making a regular part of the crews of vessels of the respective nations, and having embarked under some other name than that of passengers, shall have deserted from the said vessels. For this purpose they shall apply to the competent local authorities, proving, by the register of the vessel, the roll of the crew, or, if the vessel shall have departed, with a copy of the said papers, duly certified by them, that the persons they claim formed part of the crew; and on such a reclamation, thus substantiated, the surrender of the deserter shall not be denied. Every assistance shall also be given to them for the recovery and arrest of such deserters; and the same shall be detained and kept in the prisons of the country, at the request and cost of the Consuls, until the said Consuls shall have found an opportunity to send them away. It being understood, however, that if such an opportunity shall not occur in the space of four months from the date of their arrest, the said deserters shall be set at liberty, and shall not be again arrested for the same cause. Nevertheless, if the deserter shall be found to have committed any other crime or offence on shore, his surrender may be delayed by the local authorities until the tribunal before which his case shall be pending shall have pronounced its sentence, and until such sentence shall have been carried into effect.

ARTICLE XXI.

Extradition of criminals.

It is agreed that every person who, being charged with or condemned for any of the crimes enumerated in the following article, committed within the States of one of the high contracting parties, shall seek asylum in the States, or on board the vessels of war of the other party, shall be arrested and consigned to justice on demand made, through the proper diplomatic channel, by the Government within whose territory the offence shall have been committed.

This surrender and delivery shall not, however, be obligatory on either of the high contracting parties until the other shall have presented a copy of the judicial declaration or sentence establishing the culpability of the fugitive, in case such sentence or declaration shall have been pronounced. But if such sentence or declaration shall not have been pronounced, then the surrender may be demanded, and shall be made, when the demanding Government shall have furnished such proof as would have been sufficient to justify the apprehension, and commitment for trial, of the accused, if the offence had been committed in the country where he shall have taken refuge.

ARTICLE XXII.

Same subject.

Persons shall be delivered up, according to the provisions of this treaty, who shall be charged with any of the following crimes, to wit:

Murder, (including assassination, parricide, infanticide, and poison-

ing;) attempt to commit murder; rape; piracy; arson; the making and uttering of false money, forgery, including forgery of evidences of public debt, bank-bills, and bills of exchange; robbery with violence; intimidation or forcible entry of an inhabited house; embezzlement by public officers, including appropriation of public funds; when these crimes are subject, by the code of the Kingdom of the Two Sicilies to the punishment *della reclusione*, or other severer punishment, and by the laws of the United States to infamous punishment.

ARTICLE XXIII.

On the part of each country, the surrender of fugitives from justice shall be made only by the authority of the Executive thereof. And all expenses whatever of detention and delivery, effected in virtue of the preceding articles, shall be at the cost of the party making the demand.

The surrender to be made by the Executive.

Expenses.

ARTICLE XXIV.

The citizens and subjects of each of the high contracting parties shall remain exempt from the stipulations of the preceding articles, so far as they relate to the surrender of fugitive criminals; nor shall they apply to offences committed before the date of the present treaty, nor to offences of a political character, unless the political offender shall also have been guilty of some one of the crimes enumerated in Article XXII.

Extradition not to apply to citizens, nor to previous or political offences.

ARTICLE XXV.

The present treaty shall take effect from the day in which ratifications shall be exchanged, and shall remain in force for the term of ten years, and further, until the end of twelve months after either of the high contracting parties shall have given notice to the other of its intention to terminate the same; each of the said contracting parties reserving to itself the right to give such notice at the end of said term of ten years, or at any subsequent time.

When this treaty shall take effect.

Its duration.

ARTICLE XXVI.

The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the King of the Kingdom of the Two Sicilies; and the ratifications shall be exchanged at Naples within twelve months from the date of its signature, or sooner if possible.

Ratifications.

In faith whereof, the respective Plenipotentiaries have signed the foregoing articles in the English and Italian languages, and have hereunto affixed the seals of their arms.

Done in duplicate, at the city of Naples, this first day of October, in the year of our Lord one thousand eight hundred fifty-five.

ROBERT DALE OWEN. [L. S.]
LUIGI CARAFA. [L. S.]
PRINCIPE DI COMITINI. [L. S.]
GIUSEPPE MARIO ARPINO. [L. S.]

DECLARATIONS.

Duties on wines and cottons.

It having been stipulated in Article XI of the treaty of the first December, 1845, that the red and white wines, of every kind, of the Kingdom of the Two Sicilies, including those of Marsala, which may be imported directly into the United States of America, whether in vessels of the one or of the other country, shall not pay other or higher duties than the red and white wines of the most favored nations; and, in like manner, that the cottons of the United States of America which may be imported directly into the Kingdom of the Two Sicilies, whether in vessels of the one or of the other nation, shall not pay other or higher duties than the cottons of Egypt, Bengal, or the most favored nations:

And it being agreed in the new treaty concluded between the United States of America and the Kingdom of the Two Sicilies, and to-day signed by the undersigned, not only that no duties of customs shall be paid on merchandise the produce of one of the two countries imported into the other country, other or higher than shall be paid on merchandise of the same kind the produce of any other country, but also that, as to all duties of navigation or of customs, there shall not be made, as to the vessels of the two countries, any distinction whatever between direct and indirect navigation:

The undersigned declare, as to the construction of the new treaty, from the day on which the ratifications thereof shall be exchanged, that the red and white wines, of every kind, of the Kingdon of the Two Sicilies, including the wine of Marsala, which shall be imported into the United States of America, shall not pay other or higher duties than are paid by the red and white wines of the most favored nations.

And, in like manner, that the cottons of the United States which shall be imported into the Kingdom of the Two Sicilies shall not pay other or higher duties than the cottons of Egypt, Bengal, or the most favored nations.

The present declaration shall be considered as an integral part of the said new treaty, and shall be ratified, and the ratifications thereof exchanged, at the same time as those of the treaty itself.

In faith whereof, the undersignd have hereunto set their hands and affixed the seal of their arms.

Done in duplicate, in the city of Naples, this first day of October, in the year of our Lord one thousand eight hundred and fifty-five.

ROBERT DALE OWEN. [L. S.]
LUIGI CARAFA. [L. S.]
PRINCIPE DI COMITINI. [L. S.]
GIUSEPPE MARIO ARPINO. [L. S.]

VENEZUELA.

VENEZUELA, 1836.

TREATY OF PEACE, FRIENDSHIP, NAVIGATION AND COMMERCE, BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF VENEZUELA. CONCLUDED JANUARY 20, 1836; RATIFICATIONS EXCHANGED MAY 31, 1836; PROCLAIMED JUNE 20, 1836.

[This treaty was terminated January 3, 1851, pursuant to notice from Venezuela, under Article 34.]

The United States of America and the Republic of Venezuela, desiring to make lasting and firm the friendship and good understanding which happily prevails between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall, in future, be religiously observed between the one and the other, by means of a treaty of friendship, commerce, and navigation. For this most desirable object, the President of the United States of America has conferred full powers on John G. A. Williamson, a citizen of the said States, and their Chargé d'Affaires to the said Republic, and the President of the Republic of Venezuela on Santos Michelena, a citizen of the said Republic; who, after having exchanged their said full powers, in due and proper form, have agreed to the following articles:

Negotiators.

ARTICLE I.

There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic of Venezuela, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places.

Peace and friendship.

ARTICLE II.

The United States of America and the Republic of Venezuela, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage, mutually, not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

Favors of commerce.

ARTICLE III.

The two high contracting parties being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside and trade there in all kinds of produce,

Mutual benefits in trade and residence.

manufactures and merchandize; and they shall enjoy all the rights, privileges and exemptions, in navigation and commerce, which native citizens do or shall enjoy, submitting themselves to the laws, decrees and usages there established, to which native citizens are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved, by the parties respectively, according to their own separate laws.

ARTICLE IV.

Equalization of duties.

They likewise agree that whatever kind of produce, manufactures, or merchandize, of any foreign country, can be from time to time lawfully imported into the United States, in their own vessels, may be also imported in vessels of the Republic of Venezuela; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied and collected, whether the importation be made in the vessels of the one country or of the other. And, in like manner, that whatever kind of produce, manufactures, or merchandize, of any foreign country, can be from time to time lawfully imported into the Republic of Venezuela, in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage of the vessels and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or of the other. And they agree that whatever may be lawfully exported or re-exported from the one country in its own vessels, to any foreign country, may, in like manner, be exported or re-exported in the vessels of the other country. And the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of the Republic of Venezuela.

ARTICLE V.

Venezuelan vessel.

For the better understanding of the preceding article, and taking into consideration the actual state of the commercial marine of the Republic of Venezuela, it has been stipulated and agreed that all vessels belonging exclusively to a citizen or citizens of said Republic, and whose captain is also a citizen of the same, though the construction or crew are or may be foreign, shall be considered, for all the objects of this treaty, as a Venezuelan vessels.

ARTICLE VI.

Importations and exportations.

No higher or other duties shall be imposed on the importation into the United States of any articles the produce or manufactures of the Republic of Venezuela, and no higher or other duties shall be imposed on the importation into *de* Republic of Venezuela of any articles the produce or manufacture of the United States, than are or shall be payable on the like articles being the produce or manufactures of any other foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries, on the exportation of any articles to the United States or to the Republic of Venezuela, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles the produce or manufactures of the United States or of the Republic of Venezuela, to or from the territories of the United States, or to or from the territories

of the Republic of Venezuela, which shall not equally extend to all other nations.

ARTICLE VII.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries, to manage themselves their own business, in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandize by wholesale or retail, as with respect to the loading, unloading, and sending off their ships; they being in all these cases to be treated as citizens of the country in which they reside, or, at least, to be placed on a footing with the subjects or citizens of the most favoured nation.

Citizens of both nations to be on a footing of equality, &c.

ARTICLE VIII.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandizes, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

Embargoes.

ARTICLE IX.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity; giving to them all favour and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage, without obstacle or hindrance of any kind.

Citizens to be treated as friends in cases of compulsory resort, &c.

ARTICLE X.

All the ships, merchandize, and the effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving, in due and proper form, their rights before the competent tribunals; it being well understood, that the claim should be made within the term of one year, by the parties themselves, their attorneys, or agents of the respective Governments.

Pirates.

ARTICLE XI.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts or within the dominions of the other, there shall be given to them all assistance and protection in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandize and effects, without exacting for it any duty, impost, or contribution whatever, until they may be exported, unless they be destined for consumption.

Wrecks.

ARTICLE XII.

Power to dispose of property.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato; and they may take possession thereof either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And if, in the case of real [e]state, the said heirs would be prevented from entering into the possession of the inheritance on account of their c[h]aracter of aliens, there shall be granted to them the term of three years, to dispose of the same as they may think proper, and to withdraw the proceeds without molestation, nor any other charges than those which are imposed by the laws of the country.

ARTICLE XIII.

Persons and property.

Both the contracting parties promise and engage, formally, to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse on the same terms which are usual and costumary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited on the said trials.

ARTICLE XIV.

Liberty of conscience and rites of worship, &c., secured.

The citizens of the United States residing in the territories of the Republic of Venezuela shall enjoy the most perfect and entire security of conscience, without being annoyed, prevented, or disturbed on account of their religious belief. Neither shall they be annoyed, molested, or disturbed in the proper exercise of their religion in private houses, or in the chapels or places of worship appointed for that purpose, with the decorum due to divine worship, and with due respect to the laws, usages, and customs of the country. Liberty shall also be granted to bury the citizens of the United States who may die in the territories of the Republic of Venezuela, in convenient and adequate places, to be appointed and established by themselves for that purpose, with the knowledge of the local authorities, or in such other places of sepulture as may be chosen by the friends of the deceased; nor shall the funerals or sepulc[h]res of the dead be disturbed in any wise nor upon any account. In like manner, the citizens of Venezuela shall enjoy within the Government and territories of the United States a perfect and unrestrained liberty of conscience and of exercising their religion publicly or privately, within their own dwelling-houses, or in the chapels and places of worship appointed for that purpose, agreeable to the laws, usages, and customs of the United States.

ARTICLE XV.

It shall be lawful for the citizens of the United States of America and of the Republic of Venezuela to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandizes laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with either of the contracting parties. It shall, likewise, be lawful for the citizens aforesaid to sail with their ships and merchandizes before mentioned, and to trade with the same liberty and security, from the places, ports, and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several; and it is hereby stipulated that free ships shall also give freedom to goods, and that everything shall be deemed to be free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty shall be extended to persons who are on board a free ship, with this effect, that, although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers or soldiers and in the actual service of the enemies. Provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shal[l] cover the property, shall be understood as applaying to those Powers only who recognise this principle; but if either of the two contracting parties shall be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

Both parties at liberty to trade with those at enmity with either, &c.

Free ships to make free goods.

Free ships to make free persons.

Proviso

ARTICLE XVI.

It is likewise agreed, that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulations, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it: but the contracting parties agree that two months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case, the goods and merchandizes of the neutral, embarked in such enemy's ship, shall be free.

Enemy's propert to be protected by neutral flag, must b shipped, when.

ARTICLE XVII.

This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended:

Contraband specified

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and granades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2d. Bucklers, helmets, breastpleates, coats of mail, infantry-belts, and clothes made up in the form and for military use.

3d. Cavalry-belts and horses with their furniture.

4th. And generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials, manufactured, prepared, and form[ed] expressly to make war by sea or land.

ARTICLE XVIII.

Goods not contraband.

All other merchandises and things not comprehended in the articles of contraband explicitly enumerated and classified as above shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner, by the citizens of both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

ARTICLE XIX.

Contraband only, liable to confiscation.

The articles of contraband before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great or of so large a bulk that they cannot be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

ARTICLE XX.

Blockade.

And whereas it frequently happens that vessels sail for a port or places belonging to an enemy without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from any officer commanding a vessel of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either, that may have entered into such port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo; nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

Vessels entering before blockade.

ARTICLE XXI.

In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually that whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon-shot, and may send its boats with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, for which the commanders of the said armed ships shall be responsible, with their persons and property; for which purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit; and it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other purpose whatever.

Examination of vessels at sea.

ARTICLE XXII.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters, or passports, expressing the name, property, and bulk of the ships, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that said ship really and truly belongs to the citizens of one of the parties: they have likewise agreed that such ship, being laden, besides the said sea-letters, or passports, shall also be provided with certificates containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sail[e]d, in the accustomed form. Without such requisites said vessels may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be proved to be owing to accident, and satisfied or supplied by testimony entirely equivalent.

One of the parties being engaged in war, vessels of the other to be provided with sea-letters, &c.

ARTICLE XXIII.

It is further agreed, that the stipulations above expressed relative to the visiting and examination of vessels, shall apply only to those which sail without convoy, and when said vessels shall be under convoy the verbal declaration of the commander of the convoy, on his word of honour, that the vessels under his protection belong to the nation whose flag he carries, and, when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

Visiting regulations to apply only to vessels without convoy.

ARTICLE XXIV.

It is further agreed that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them; and whenever such

Prize courts

tribunals, of either party, shall pronounce judgment against any vessel, or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reason or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel without any delay, he paying the legal fees for the same.

ARTICLE XXV.

The neutral party not to accept a commission to cruise against the other.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission or letter of marque, for the purpose of assisting or co-operating hostilely with the said enemy against the said party so at war, under the pain of being considered as a pirate.

ARTICLE XXVI.

In case of war.

If, by any fatality, which cannot be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever the[y] please, giving to them the safe-conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations, who may be established in the territories or dominions of the United States and of the Republic of Venezuela, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

ARTICLE XXVII.

No sequestration of money in bank, &c.

Neither the debts due from individuals of the one nation to the individuals of the other, nor shares, nor moneys which they may have in public funds, nor in public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

ARTICLE XXVIII.

Official intercourse.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the Envoys, Ministers, and other public agents, the same favours, immunities, and exemptions, which those of the most favoured nation do or shall enjoy; it being understood that whatever favours, immunities, or privileges the United States of America or the Republic of Venezuela may find it proper to give to the Ministers and other public agents of any other Power, shall, by the same act, be extended to those of each of the contracting parties.

ARTICLE XXIX.

Consuls, &c.

To make more effectual the protection which the United States and the Republic of Venezuela shall afford in future to the navigation and commerce of the citizens of each other, they

agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favoured nation; each contracting party, however, remaining at liberty to ex[c]ept those ports and places in which the admission and residence of such Consuls [and Vice-Consuls] may not seem convenient.

ARTICLE XXX.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and, having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates, and inhabitants in the consular district in which they reside.

ARTICLE XXXI.

It is likewise agreed that the Consuls, their secretaries, officers, and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all kinds of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside are subject, being in everything besides subject to the laws of the respective States. The archives and papers of the consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

ARTICLE XXXII.

Deserters

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing; proving by an exhibition of the registers of the vessel's or ship's roll, or other public documents, that those men were part of the said crews, and on this demand so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said Consuls, and may be put in the public prisons, at the request and expence of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ARTICLE XXXIII.

Consular convention.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare especially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

ARTICLE XXXIV.

The United States of America and the Republic of Venezuela, desiring to make as durable as circumstances will permit the relations which are to be established between the two parties by virtue of this treaty of peace, amity, commerce, and navigation, have declared solemnly and do agree to the following points:

Treaty to remain in force twelve years.

1st. The present treaty shall remain in full force and virtue for the term of twelve years, to be counted from the day of the exchange of the ratifications, and further, until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of twelve years; and it is hereby agreed between them that, on the expiration of one year after such notice shall have been received by either from the other party, this treaty in all its parts relative to commerce and navigation shall altogether cease and determine, and in all those parts which relate to peace and friendship it shall be perpetually and permanently binding on both powers.

Individuals personally responsible for infringements.

2d. If any one *of* [or] more of the citizens of either party shall infringe any of the articles of this treaty, such citizen shall be held personally responsible for the same, and harmony and good correspondence between the two nations shall not be interrupted thereby, each party engaging in no way to protect the offender, or sanction such violation.

War not to be declared until remonstrance is made, and satisfaction refused.

3d. If, (what, indeed, cannot be expected,) unfortunately, any of the articles in the present treaty shall be violated or infringed in any other way whatever, it is expressly stipulated that neither of the contracting parties will order or authorize any act of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proofs, and demanded justice, and the same shall have been either refused or unreasonbly delayed.

Existing treaties not to be affected.

4th. Nothing in this treaty contained shall, however, be *constructed* [construed] or operate contrary to former and existing public treaties with other Sovereigns and States.

To be ratified within eight months.

The present treaty of peace, amity, commerce, and navigation, shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Venezuela, with the consent and approbation of the Congress of the same; and the ratifications shall be exchanged in the city of Caracas, within eight months, to be counted from the date of the signature hereof, or sooner if possible.

In faith whereof we, the Plenipotentiaries of the United States of America and of the Republic of Venezuela, have signed and sealed these presents.

Done in the city of Caracas, on the twentieth day of January, in the year of our Lord one thousand eight hundred and thirty-six, and in the sixtieth year of the Independence of the United States of America, and the twenty-sixth of that of the Republic of Venezuela.

JOHN G. A. WILLIAMSON. [L. S.]
SANTOS MICHELENA. [L. S.]

VENEZUELA, 1859.

CONVENTION BETWEEN THE UNITED STATES AND VENEZUELA, FOR SETTLEMENT OF AVES ISLAND CLAIMS. SIGNED JANUARY 14, 1859; RATIFIED FEBRUARY 26, 1861, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE.

Edward A. Turpin, Minister Resident of the United States of America, and Luis Sanojo, Secretary of State in the Department of Foreign Relations of the Government of Venezuela, being duly authorized to form an equitable agreement for the satisfaction of the damages and losses sustained by Philo S. Shelton, Sampson and Tappan, and Lang and Delano, in consequence of the evictions of their agents and employees from the Aves Island by the forces of Venezuela, have agreed upon the following articles:

ARTICLE I.

The Government of Venezuela obliges itself to pay to the Government of the United States, or to its Minister Resident in Venezuela, the gross sum of one hundred and thirty thousand dollars, United States currency, ($130,000,) of which said sum, one hundred and five thousand dollars ($105,000) is in liquidation of the claims of Shelton, Sampson and Tappan, and is to be distributed among themselves, and the residue, that is to say, twenty-five thousand dollars, ($25,000,) is in liquidation of claims of Lang and Delano.

ARTICLE II.

The said sum of one hundred and thirty thousand dollars, shall be paid in the following terms:

For Shelton, Tappan and Sampson:

1859.	1st June	2,500
	1st August	2,500
	1st October	2,500
	1st December	2,500
		$10,000

		For Shelton & Co.:		For Lang & Delano:	
1860.	30 June	$7,500		2,000	
	31 December	7,500	$15,000	2,000	$4,000
1861.	30 June	10,000		2,000	
	31 December	10,000	20,000	2,000	4,000
1862.	30 June	10,000		2,500	
	31 December	10,000	20,000	2,500	5,000
1863.	30 June	10,000		3,000	
	31 December	10,000	20,000	3,000	6,000
1864.	30 June	10,000		3,000	
	31 December	10,000	20,000	3,000	6,000
			$95,000		$25,000

Interest at the rate of five per cent. per annum shall be paid on the gross amount of indemnity, commencing from the 1st day of this present month, January, 1859, and being added to the several instalments as they fall due. The interest being always computed on the amount of indemnity, remaining unpaid at the time of the payment of the several instalments.

ARTICLE III.

In consideration of the above agreement and indemnification, the Government of the United States, and the individuals in whose behalf they have been made, agree to desist from all further reclamation respecting the Island of Aves.

ARTICLE IV.

This agreement shall be submitted to the present National Convention, and in case it should not be ratified by it before the closing of its present session, then it shall be considered null and void.

Valencia, January the fourteenth, of eighteen hundred and fifty-nine.

E. A. TURPIN.
LUIS SANOJO.

The National Convention having seen the foregoing agreement concluded on the fourteenth of January last past between the Secretary of Foreign Relations of the Republic and the Minister Resident of the United States,

Resolves, To give its approval to the convention aforesaid with the suppression, in article 3d, of the second part, which is as follows:

"Abandoning to the Republic of Venezuela whatever rights might pertain to them," (rights to Aves Island;) and with the provision that the interest stipulated in article 2d shall always be simple interest, which shall only be paid successively, on the unpaid principal.

Done at Valencia in the Hall of Sessions of the National Convention, February first, one thousand eight hundred and fifty-nine.

The President, F. TORO.
The Secretary, R. RAMIREZ.

VALENCIA, *February* 3, 1859.

Let it be executed.

J. CASTRO.

By His Excellency.
The Secretary of State in the Department of Foreign Relations,
LUIS SANOJO.

A copy.
The Assistant Secretary of Foreign Relations,
R. VALENZUELA. [L. S.]

VENEZUELA, 1860.

TREATY OF AMITY, COMMERCE, NAVIGATION, AND FOR SURRENDER OF FUGITIVE CRIMINALS, BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF VENEZUELA. CONCLUDED AT CARACAS, AUGUST 27, 1860; RATIFICATIONS EXCHANGED AUGUST 9, 1861; PROCLAIMED SEPTEMBER 25, 1861.

Contracting parties

The United States of America and the Republic of Venezuela, equally animated with the desire of maintaining the cordial relations, and of tightening, if possible, the bonds of friendship between the two countries, as well as to augment, by all the means at their disposal, the commercial intercourse of their respective citizens, have mutually resolved to conclude a general convention of amity, commerce, and navigation, and for the surrender of fugitive criminals. For this purpose, they have appointed as their Plenipotentiaries, to wit:

The President of the United States, Edward A. Turpin, Minister Resident near the Government of Venezuela; and the President of Venezuela, Pedro de las Casas, Secretary of State in the Department of Foreign Relations;

Who, after a communication of their respective full powers, have agreed to the following articles:

ARTICLE I.

Peace and friendship.

It is the intention of the high contracting parties that there shall continue to be a firm, inviolable, and universal peace, and a true and sincere friendship between the Republics of the United States of America and Venezuela, and between their respective countries, territories, cities, towns, and people, without exception of persons or places. If, unfortunately, the two nations should become involved in war, one with the other, the term of six months after the declaration thereof shall be allowed to the merchants and other citizens and inhabitants respectively, on each side, during which time they shall be at liberty to withdraw themselves, with their effects and movables; which they shall have the right to carry away, send away, or sell, as they please, without the least obstruction; nor shall their effects, much less their persons, be seized during such term of six months; on the contrary, passports shall be valid for a term necessary for their return, and shall be given to them for their vessels and the effects which they may wish to carry with them or send away, and such passports shall be a safe conduct against the insults and captures, which privateers may attempt against their persons and effects, and the money, debts, shares in the public funds, or in banks, or any other property, personal or real, belonging to the citizens of the one party in the territories of the other shall not be confiscated or sequestrated.

In case of war

Passports

ARTICLE II.

Military service loans, &c.

The citizens of each of the high contracting parties, residing or established in the territory of the other, shall be exempt from all compulsory military service by sea or by land, and from all forced loans or military exactions or requisitions; nor shall they be compelled to pay any contributions whatever higher or other than those that are or may be paid by native citizens.

ARTICLE III.

Right to reside, transact business, &c.

The citizens of the contracting parties shall be permitted to enter, sojourn, settle, and reside in all parts of said territories, and such as may wish to engage in business shall have the right to hire and occupy warehouses, provided they submit to the laws, as well general as special, relative to the rights of travelling, residing, or trading. While they conform to the laws and regulations in force, they shall be at liberty to manage themselves their own business, subject to the jurisdiction of either party, as well in respect to the consignment and sale of their goods by wholesale or retail, as with respect to the loading, unloading, and sending off their ships. They may also employ such agents or brokers as they may deem proper, and shall in all these cases be treated as the citizens of the country wherein they reside; it being, nevertheless, distinctly understood that they shall be subject to such laws and regulations also in respect to wholesale or retail. They shall have free access to the tribunals of justice, in cases to which they may be a party, on the same terms which are granted by the laws and usage of the country to native citizens; for which purpose they may employ in defense of their interests and rights such advocates, attorneys, and other agents as they may think proper.

Right to employ agents, &c.

To have access to judicial tribunals.

ARTICLE IV.

Liberty of conscience, &c.

The citizens of each of the high contracting parties, residing in the other, shall enjoy the most perfect liberty of conscience. They shall be subjected to no inconveniences whatever on account of their religious belief; nor shall they in any manner be annoyed or disturbed in the exercise of their religious worship in private houses, or in the chapels and places which they may select for that purpose, provided that, in so doing, they observe the decorum due to the laws, usages, and customs of the country. It is likewise agreed that the citizens of the one country, dying in the territory of the other, may be interred either in the ordinary cemeteries, or in such others as may be selected for that purpose by their own Government, or by their personal friends or representatives, with the consent of the local authorities. All such cemeteries, and funeral processions going to or returning from them, shall be protected from violation or disturbance.

Cemeteries.

ARTICLE V.

Personal property.

The citizens of each of the high contracting parties, within the jurisdiction of the other, shall have power to dispose of their personal property by sale, donation, testament, or otherwise; and their personal representatives being citizens of the other contracting party, shall succeed to their personal property, whether by testament or ab intestato. They may take possession thereof, either by themselves, or by others acting for them, at their pleasure, and dispose of the same, paying such duty only as the citizens of the country wherein the said personal property is situated shall be subject to pay in like cases. In the absence of a personal representative, the same care shall be taken of the property as by law would be taken of the property of a native in a similar case, whilst the lawful owner may take measures for securing it. If a question should arise among claimants as to the rightful ownership of the property, the

Succession.

same shall be [finally] decided by the judicial tribunals of the country in which it is situated.

When, on the decease of any person holding real estate within the territory of one party, such real estate would by the law of the land descend on a citizen of the other, were he not disqualified by alienage, the longest term which the laws of the country in which it is situated will permit shall be accorded to him to *to* dispose of the same; nor shall he be subjected, in doing so, to higher or other dues than if he were a citizen of the country wherein such real estate is situated.

Real estate.

ARTICLE VI.

The high contracting parties hereby agree that whatever kind of produce, manufactures, or merchandize, of any foreign country, can be from time to time lawfully imported into the United States, in their own vessels, may also be imported in the vessels of Venezuela, and no higher or other duties upon the tonnage or cargo of the vessels shall be levied or collected, whether the importation be made in a vessel under the flag of the United States or a vessel under the flag of Venezuela. And, reciprocally, whatever kind of produce, manufactures, or merchandize, of any foreign country, can be from time to time lawfully imported into Venezuela, in her own vessels, may also be imported in vessels of the United States; and no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in a vessel under the flag of Venezuela or under the flag of the United States.

Imports and duties.

Whatever can be lawfully exported or re-exported by one party, in its own vessels, to any foreign country, may in like manner be exported or re-exported in the vessels of the other; and the same duties, bounties, and drawbacks shall be collected and allowed, whether such exportation or re-exportation be made in vessels of the one or the other. Nor shall higher or other charges of any kind be imposed in the ports of one party on vessels of the other than are or shall be payable in the same ports by national vessels.

Exports

ARTICLE VII.

The preceding article is not applicable to the coasting trade of the contracting parties, which is respectively reserved by each exclusively for its own citizens. But vessels of either country shall be allowed to discharge a part of their cargo[e]s at one port, and proceed to any other port or ports in the territories of the other to discharge the remainder, without paying higher or other port charges or tonnage dues than would be paid by national vessels in such cases, so long as this liberty shall be conceded to any foreign vessels by the laws of both countries.

Coasting trade reserved to citizens.

ARTICLE VIII.

For the better understanding of the preceding stipulations, it has been agreed that every vessel belonging exclusively to a citizen or citizens of Venezuela, and whose captain is also a citizen of the same, such vessel having also complied with all the other requisites established by law to acquire such national character, though the construction and crew are or may be foreign, shall be considered, for all the objects of this treaty, as a Venezuelan vessel.

National character of vessels.

ARTICLE IX.

No higher or other duty shall be imposed on the importation into the United States of any article the growth, produce, or manufacture of Venezuela, or of her fisheries, and no higher or other duty shall be imposed on the importation into Venezuela of any article the growth, produce, or manufacture of the United States or their fisheries, than are or shall be payable on the like articles the growth, produce, or manufacture of any other foreign country or its fisheries. No other or higher duties or charges shall be imposed in the United States on the exportation of any article to Venezuela, nor in Venezuela on the exportation of any article to the United States, than such as are or shall be payable on the exportation of the like article to any other foreign country.

Duties.

No prohibition shall be imposed on the importation of any article the growth, produce, or manufacture of the United States or their fisheries, or of Venezuela and her fisheries, from or to the ports of the United States or Venezuela, which shall not equally extend to every other foreign country. If, however, either party shall hereafter grant to any other nation any particular favour in navigation or commerce, it shall immediately become common to the other party, freely, where it shall be freely granted to such other nation, or for the same equivalent, when the grant shall be conditional.

No prohibition.

Privileges of most favored nation.

ARTICLE X.

Should one of the high contracting parties hereafter impose discriminating duties upon the products of any other nation, the other party shall be at liberty to determine the manner of establishing the origin of its own products intended to enter the country by which the discriminating duties are imposed.

Discriminating duties.

ARTICLE XI.

When any vessel of either party shall be wrecked, stranded, or otherwise damaged on the coasts or within the jurisdiction of the other, their respective citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the accident happened; and they shall be liable to pay the same charges and dues of salvage as the said inhabitants would be liable to pay in a like case.

Wrecked, &c., vessels.

If the repairs which a stranded vessel may require shall render it necessary that the whole or any part of her cargo should be unloaded, no duties of custom, charges, or fees on such cargo as may be carried away shall be paid, except such as are payable in like case by national vessels.

Repairs.

It is understood, nevertheless, that if, while the vessel is under repair, the cargo shall be unladen and kept in a place of deposit destined for the reception of goods, the duties on which have not been paid, the cargo shall be liable to the charges and fees lawfully due to the keepers of such warehouses.

ARTICLE XII.

It shall be lawful for the citizens of either country to sail with their ships and merchandize (contraband goods always excepted) from any port whatever to any port of the enemy of the

Rights of neutrals

other, and to sail and trade with their ships and merchandize, with perfect security and liberty, from the countries, ports, and places of those who are enemies of either party, without any opposition or disturbance whatsoever, and to pass not only directly from the places and ports of the enemy aforementioned to neutral ports and places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be or be not under the jurisdiction of the same Power, unless such ports or places be effectively blockaded, besieged, or invested.

Blockade

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is either besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but she shall not be detained, nor any part of her cargo (if not contraband) be confiscated, unless, after notice of such blockade or investment, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper, provided the same be not blockaded, besieged, or invested. Nor shall any vessel of either of the parties that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo; nor, if found therein after the reduction and surrender of such place, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

Notice.

Right to leave.

ARTICLE XIII.

Contraband of war.

In order to regulate what shall be deemed contraband of war, there shall be comprised under that denomination gunpowder, saltpetre, petards, matches, balls, bombs, grenades, carcasses, pikes, halberds, swords, belts, pistols, holsters, cavalry saddles and furniture, cannons, mortars, their carriages and beds, and generally all kinds of arms, ammunition of war, and instruments fit for the use of troops. All the above articles, whenever they are destined to the port of an enemy, are hereby declared to be contraband, and just objects of confiscation; but the vessel in which they are laden, and the residue of the cargo, shall be considered free, and not in any manner infected by the prohibited goods, whether belonging to the same or a different owner.

ARTICLE XIV.

Free ships make free goods.

It is hereby stipulated that free ships shall give a freedom to goods, and that everything shall be deemed free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that, although they be enemies to either party, they are not to be taken out of that free ship unless they are soldiers and in actual service of the enemy.

Persons.

ARTICLE XV.

Merchant ships on the high seas.

In time of war the merchant-ships belonging to the citizens of either of the contracting parties which shall be bound to a port of the enemy of one of the parties, and concerning whose voy-

age and the articles of their cargo there shall be just grounds of suspicion, shall be obliged to exhibit, as well upon the high seas as in the ports or roads, not only their passports, but likewise their certificates, showing that their goods are not of the quality of those which are specified to be contraband in the thirteenth article of the present convention.

ARTICLE XVI.

Passports.

And that captures on light suspicions may be avoided, and injuries thence arising prevented, it is agreed that, when one party shall be engaged in war, and the other party be neutral, the ships of the neutral party shall be furnished with passports, that it may appear thereby that the ships really belong to the citizens of the neutral party; they shall be valid for any number of voyages, but shall be renewed every year—that is, if the ship happens to return home in the space of a year. If the ships are laden, they shall be provided, not only with the passports above mentioned, but also with certificates, so that it may be known whether they carry any contraband goods. No other paper shall be required, any usage or ordinance to the contrary notwithstanding. And if it shall not appear from the said certificates that there are contraband goods on board, the ships shall be permitted to proceed on their voyage. If it shall appear from the certificates that there are contraband goods on board any such ship, and the commander of the same shall offer to deliver them up, the offer shall be accepted, and a receipt for the same shall be given, and the ship shall be at liberty to pursue its voyage, unless the quantity of the contraband goods be greater than can conveniently be received on board the ship of war or privateer; in which case, as in all other cases of just detention, the ship shall be carried into the nearest safe and convenient port for the delivery of the same.

No other paper required.

Contraband.

If there are no passports.

If any ship shall not be furnished with such passport or certificates as are above required for the same, such case may be examined by a proper judge or tribunal; and if it shall appear from other documents or proofs, admissible by the usage of nations, that the ship belongs to the citizens or subjects of the neutral party, it shall not be confiscated, but shall be released with her cargo, (contraband goods excepted,) and be permitted to proceed on her voyage.

If master of ship dies.

If the master of a ship, named in the passport, should happen to die, or be removed by any other cause, and another put in his place, the ship and cargo shall, nevertheless, be equally secure, and the passport remain in full force.

ARTICLE XVII.

Examination of vessels by ships of war.

If the ships of the citizens of either of the parties shall be met with on the high seas by any ship of war or privateer of the other, for the avoiding of any disorder the said ships of war or privateers shall remain out of cannon-shot, and may send their boats on board the merchant-ship which they shall so meet with, and may enter her to the number of two or three men only, to whom the master or commander of such ship shall exhibit his passport concerning the property of the ship; and it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other examination whatever.

ARTICLE XVIII.

It is expressly agreed by the high contracting parties that the stipulations above mentioned, relative to the conduct to be observed on the sea by the cruisers of the belligerent party towards the ships of the neutral party, shall be applicable only to ships sailing without convoy, and when the said ships shall be convoyed, it being the intention of the parties to observe all the regards due to the protection of the flag displayed by public ships, it shall not be lawful to visit them: but the verbal declaration of the commander of the convoy that the ships he convoys belong to the nation whose flag he carries, and that they have no contraband goods on board, shall be considered by the respective cruisers as fully sufficient; the two parties reciprocally engaging not to admit under the protection of their convoys ships which shall have on board contraband goods destined to an enemy.

Ships sailing with convoy not to be visited.

ARTICLE XIX.

In all cases where vessels shall be captured, or detained to be carried into port, under pretence of carrying to the enemy contraband goods, the captor shall give a receipt for such of the papers of the vessel as he shall retain, which receipt shall be annexed to a copy of the said papers; and it shall be unlawful to break up or open the hatches, chests, trunks, casks, bales or vessels found on board, or remove the smallest part of the goods, unless the lading be brought on shore in presence of the competent officers, and an inventory be made by them of the same. Nor shall it be lawful to sell, exchange, or alienate the said articles of contraband in any manner, unless there shall have been lawful process, and the competent judge or judges shall have pronounced against such goods sentence of confiscation.

Duty in case of captured vessels.

ARTICLE XX.

And in such time of war, that proper care may be taken of the vessel and cargo, and embezzlement prevented, it is agreed that it shall not be lawful to remove the master, commander, or supercargo of any captured ship from on board thereof, during the time the ship may be at sea after her capture, or pending the proceedings against her or her cargo, or anything relating thereto; and in all cases where a vessel of the citizens of either party shall be captured or seized and held for adjudication, her officers, passengers, and crew shall be hospitably treated; they shall not be imprisoned or deprived of any part of their wearing apparel, nor of the possession and use of their money, not exceeding for the captain, supercargo, and mate five hundred dollars each, and for the sailors and passengers one hundred dollars each.

Master, &c., of captured ship not to be removed, &c.

Crew and passengers.

ARTICLE XXI.

It is further agreed that in all cases the established courts for prize causes in the country to which the prizes may be conducted shall alone take cognizance of them; and whenever such tribunal of either of the parties shall pronounce judgment against any vessel or goods or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded; and an au-

Courts for prize causes.

Decree

thenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of the said vessel without any delay, he paying the legal fees for the same.

ARTICLE XXII.

Commanders of ships of war and privateers responsible for damages.

And that more abundant care may be taken for the security of the citizens of the contracting parties, and to prevent their suffering injuries, all commanders of ships of war and privateers, and all others, the said citizens, shall forbear doing any damage to those of the other party, or committing any outrage against them; and, if they act to the contrary, they shall be punished, and shall also be bound, in their persons and estates, to make satisfaction and reparation for all damages, and the interest thereof, of whatever nature the said damages may be.

Commanders of privateers to give bonds, &c.

For this cause, all commanders of privateers, before they receive their commissions, shall hereafter be obliged to give, before a competent judge, sufficient security by at least two responsible sureties who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of seven thousand dollars, or of nine thousand four hundred dollars Venezuelan currency, or if said ship be provided with above one hundred and fifty seamen or soldiers, in the sum of fourteen thousand dollars, or eighteen thousand eight hundred dollars Venezuelan currency, to satisfy all damages and injuries which the said privateer, or her officers or men, or any of them, may do or commit during her cruise contrary to the tenor of this convention, or to the laws and instructions for regulating their conduct; and, further, that in all cases of aggressions said commission shall be revoked and annulled.

ARTICLE XXIII.

Prizes, &c.

When the ships of war of the two contracting parties, or those belonging to their citizens which are armed in war, shall be admitted to enter with their prizes the ports of either of the two parties, the said public or private ships, as well as their prizes, shall not be obliged to pay any duty, either to the officers of the place, the judges, or any others; nor shall such prizes, when they come to and enter the ports of either party, be arrested or seized; nor shall the officers of the place make examination concerning the lawfulness of such prizes, but they may hoist sail at any time and depart, and carry their prizes to the places expressed in their commissions, which the commanders of such ships of war shall be obliged to show. It is understood, however, that the privileges conferred by this article shall not extend beyond those allowed by law, or by treaty with the most favored nations.

Not to be arrested.

Limitation.

ARTICLE XXIV.

Enemies' privateers.

It shall not be lawful for any foreign privateers who have commissions from any Prince or State in enmity with either nation to fit their ships in the ports of either, to sell their prizes, or in any manner to exchange them; neither shall they be allowed to purchase provisions, except such as shall be necessary to their going to the next port of that Prince or State from which they have received their commissions.

ARTICLE XXV.

No citizen of Venezuela shall apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the said United States, or any of them, or against the citizens, people, or inhabitants of the said United States, or any of them, or against the property of any of the inhabitants of any of them, from any Prince or State with which the said United States shall be at war; nor shall any citizen or inhabitant of the said United States, or any of them, apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the citizens or inhabitants of Venezuela, or any of them, or the property of any of them, from any Prince or State with which the said Republic shall be at war; and if any person of either nation shall take such commissions or letters of marque, he shall be punished according to their respective laws.

Citizens of one power not to use letters of marque against the other.

ARTICLE XXVI.

The high contracting parties grant to each other the liberty of having in the ports of the other Consuls or Vice-Consuls of their own appointment, who shall enjoy the same privileges and powers as those of the most favoured nation; but if any of the said Consuls or Vice-Consuls shall carry on trade, they shall be subjected to the same laws and usages to which private individuals of their nation are subjected in the same place.

Consuls and Vice-Consuls.

It is understood that whenever either of the two contracting parties shall select a citizen of the other for a Consular Agent, to reside in any ports or commercial places of the latter, such Consul or Agent shall continue to be regarded, notwithstanding his quality of a foreign Consul, as a citizen of the nation to which he belongs, and consequently shall be subject to the laws and regulations to which natives are subjected in the place of his residence. This obligation, however, shall in no respect embarrass the exercise of his consular functions or affect the inviolability of the consular archives.

When consular agent is a citizen.

The said Consuls and Vice-Consuls shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless their assistance should be required, or the conduct of the crews or of the captain should disturb the order or tranquillity of the country. It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

Consuls and Vice-Consuls to be arbitrators.

The said Consuls and Vice-Consuls are authorized to require the assistance of the local authorities for the arrest and imprisonment of the deserters from the ships of war and merchant-vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall in writing demand such deserters, proving, by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and on this claim being substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the Consuls and Vice-Consuls, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be

To arrest deserters, &c.

Proceedings.

sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months of the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause. However, if the deserter shall be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be pending shall have pronounced its sentence and such sentence shall have been carried into effect.

ARTICLE XXVII.

Fugitives from justice.

The United States of America and the Republic of Venezuela, on requisitions made in their name through the medium of their respective Diplomatic and Consular Agents, shall deliver up to justice persons who, being charged with the crimes enumerated in the following article, committed within the jurisdiction of the requiring party, shall seek asylum or shall be found within the territories of the other: Provided, That this shall be done only when the fact of the commission of the crime shall be so established as to justify their apprehension and commitment for trial, if the crime had been committed in the country where the persons so accused shall be found; in all of which the tribunals of said country shall proceed and decide according to their own laws.

Evidence of crime.

ARTICLE XXVIII.

Crimes for which surrender is allowed.

Persons shall be delivered up, according to the provisions of this convention, who shall be charged with any of the following crimes, to wit: murder, (including assassination, parricide, infanticide, and poisoning;) attempt to commit murder; rape; forgery; the counterfeiting of money; arson; robbery with violence, intimidation, or forcible entry of an inhabited house; piracy; embezzlement by public officers, or by persons hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment.

ARTICLE XXIX.

Executive alone to surrender, &c.

Expenses, &c.

On the part of each country the surrender shall be made only by the authority of the Executive thereof. The expenses of detention and delivery, effected in virtue of the preceding articles, shall be at the cost of the party making the demand.

ARTICLE XXX.

Not to apply to political offences.

The provisions of the aforegoing articles relating to the surrender of fugitive criminals shall not apply to offences committed before the date hereof, nor to those of a political character.

ARTICLE XXXI.

Convention to continue eight years.

Notice to terminate.

This convention is concluded for the term of eight years, dating from the exchange of the ratifications; and if one year before the expiration of that period neither of the contracting parties shall have announced, by an official notification, its intention to the other to arrest the operations of said convention, it shall continue binding for twelve months longer, and so on, from year to year, until the expiration of the twelve months which will follow a similar declaration, whatever the time at which it may take place.

ARTICLE XXXII.

This convention shall be submitted on both sides to the approval and ratification of the respective competent authorities of each of the contracting parties, and the ratifications shall be exchanged at Caracas as soon as circumstances shall admit. Ratifications.

In faith whereof the respective Plenipotentiaries have signed the aforegoing articles, in the English and Spanish languages, and they have hereunto affixed their seals. Signature.

Done in duplicate, at the city of Caracas, this twenty-seventh day of August, in the year of our Lord one thousand eight hundred and sixty. Date.

E. A. TURPIN. [L. S.]
PEDRO DE LAS CASAS. [L. S.]

VENEZUELA, 1866.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF VENEZUELA. CONCLUDED AT CARACAS APRIL 25, 1866; RATIFICATIONS EXCHANGED APRIL 17, 1867; PROCLAIMED MAY 29, 1867.

The conclusion of a convention similar to those entered into with other republics, and by which the pending American claims upon Venezuela might be referred for decision to a mixed commission and an umpire, having been proposed to the Venezuelan Government on behalf of the United States of America, as a means of examining and justly terminating such claims; and it having been thought that the adoption of the contemplated course will secure at least some of the advantages attending arbitration, so strongly recommended in article the 112th of the Federal Constitution of Venezuela, while it will preserve unimpaired, as reciprocally desired, the good understanding of both nations: The Citizen First Vice-President in charge of the Presidency has accepted the above proposal, and authorized the Minister for Foreign Relations to negotiate and sign the proper convention. Thereupon said Minister and Mr. E. D. Culver, Minister Resident of the United States of America, also duly empowered for that purpose, have agreed upon the following articles of convention: Contracting parties.

ARTICLE I.

All claims on the part of corporations, companies, or individuals, citizens of the United States, upon the Government of Venezuela, which may have been presented to their Government, or to its legation in Caracas, shall be submitted for examination and decision to a mixed commission, consisting of two members, one of whom shall be appointed by the Government of the United States, and the other by that of Venezuela. In case of death, absence, resignation, or incapacity of either of the Commissioners, or in the event of either of them omitting or ceasing to act, the Government of the United States or that of Venezuela, respectively, or the Minister of the United States in Caracas, by authority of his Government, shall forthwith proceed to fill the vacancy. Claims upon Venezuela. Commissioners, how appointed. Vacancies, &c., how filled.

Commissioners to meet, when and where.

The Commissioners so named shall meet in the city of Caracas within four months from the exchange of the ratifications of this convention; and, before proceeding to business, they shall make solemn oath that they will carefully examine and impartially decide according to justice, and in compliance with the provisions of this convention, all claims submitted to them, and such oath shall be entered on the record of their proceedings.

To take oath.

The Commissioners shall then proceed to appoint an Umpire to decide upon any case or cases concerning which they may disagree, or upon any point of difference that may arise in the course of their proceedings. And if they cannot agree in the selection, the Umpire shall be named by the Diplomatic Representative either of Switzerland or of Russia, in Washington, on the previous invitation of the high contracting parties.

To select an Umpire.

Umpire.

ARTICLE II.

Commissioners to examine claims.

So soon as the Umpire shall have been appointed, the Commissioners shall proceed, without delay, to examine the claims which may be presented to them under this convention; and they shall, if required, hear one person in behalf of each Government on every separate claim. Each Government shall furnish, on request of either Commissioner, all such documents and papers in its possession, as may be deemed important to the just determination of any claim.

Papers and documents.

Award of indemnity and certificates.

In cases where they agree to award an indemnity, they shall determine the amount to be paid, and issue certificates of the same. In cases when the Commissioners cannot agree, the points of difference shall be referred to the Umpire, before whom each of the Commissioners may be heard, and whose decision shall be final.

Proceedings if Commissioners do not agree.

Decision of the Commissioners.

The Commissioners shall make such decision as they shall deem, in reference to such claims, conformable to justice, even though such decisions amount to an absolute denial of illegal pretensions, since the including of any such in this convention is not to be understood as working any prejudice in favor of any one, either as to principles of right or matters of fact.

ARTICLE III.

Amount of awards to be paid to the United States in ten equal annual payments.

The Commissioners shall issue certificates of the sums to be paid to the claimants, respectively, by virtue of their decisions or those of the Umpire, and the aggregate amount of all sums awarded by the Commissioners, and of all sums accruing from awards made by the Umpire, shall be paid to the Government of the United States. Payments of said sums shall be made in equal annual payments, to be completed within ten years from the date of the termination of the labors of the commission; the first payment to be made six months from same date. Semi-annual interest shall be paid on the several sums awarded, at a rate of five per cent. per annum from the date of the termination of the labors of the commission.

First payment.

Interest.

ARTICLE IV.

The commission shall terminate its labors in twelve months from the date of its organization, except that thirty days' extension may be given to issue certificates, if necessary, on the decisions of the Umpire in the case referred to in the following article. They shall keep a record of their proceedings, and may appoint a secretary.

Commission, when to terminate labors.

Records of commission.

Secretary.

ARTICLE V.

The decisions of this commission and those (in case there may be any) of the Umpire, shall be final and conclusive as to all pending claims at the date of their installation. Claims which shall not be presented within the twelve months herein prescribed will be disregarded by both Governments, and considered invalid.

Decisions of commission and of Umpire to be final, &c.

Claims not presented to be deemed invalid.

In the event that, upon the termination of the labors of said commission, there should remain pending one or more cases before the Umpire awaiting his decision, the said Umpire is authorized to make his decision and transmit same to the Commissioners, who shall issue their certificates thereupon and communicate [them] to each Government, which shall be held binding and conclusive; provided, however, that his decision shall be given within thirty days from the termination of the labors of the commission, and after the expiration of the said thirty days any decision made shall be void and of no effect.

Cases pending before Umpire at the termination of the commission.

ARTICLE VI.

Each Government shall pay its own Commissioner, and shall pay one-half of what may [be] due the Umpire and secretary, and one-half the incidental expenses of the commission.

Pay and expenses of commission.

ARTICLE VII.

The present convention shall be ratified, and the ratifications exchanged, so soon as may be practicable, in the city of Caracas.

Ratifications to be exchanged.

In testimony whereof the Plenipotentiaries have signed this convention, and hereunto affixed the seals of the Ministry of Foreign Relations of the United States of Venezuela, and of the Legation of the United States of America, in Caracas, this twenty-fifth day of April, in the year one thousand eight hundred and sixty-six.

Signature.

The Minister Resident of the United States of America,
E. D. CULVER. [L. S.]

The Minister of Foreign Relations of the United States of Venezuela,
RAFAEL SEIJAS. [L. S.]

WÜRTTEMBERG.

WÜRTTEMBERG, 1844.

CONVENTION FOR THE MUTUAL ABOLITION OF THE DROIT D'AUBAINE AND TAXES ON EMIGRATION, BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF WÜRTTEMBERG. CONCLUDED APRIL 10, 1844; RATIFICATIONS EXCHANGED OCTOBER 3, 1844; PROCLAIMED DECEMBER 16, 1844.

The United States of America and His Majesty the King of Württemberg having resolved, for the advantage of their respective citizens and subjects, to conclude a convention for the mutual abolition of the droit d'aubaine and taxes on emigration, have named for this purpose their respective Plenipotentiaries, namely: The President of the United States of America has conferred full powers on Henry Wheaton, their Envoy Extraordinary and Minister Plenipotentiary at the Royal Court of Prussia; and his Majesty the King of Württemberg, upon Baron de Maucler, his Captain of the Staff and Chargé d'Affaires at the said court; who, after having exchanged their said full powers, found in due and proper form, have agreed to and signed the following articles:

ARTICLE I.

Droit d'aubaine, &c., abolished.

Every kind of droit d'aubaine, droit de retraite, and droit de détraction or tax on emigration, is hereby and shall remain abolished, between the two contracting parties, their States, citizens, and subjects respectively.

ARTICLE II.

Heirs to real property.

Where, on the death of any person holding real property within the territories of one party, such real property would by the laws of the land descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a term of two years to sell the same, which term may be reasonably prolonged according to circumstances, and to withdraw the proceeds thereof without molestation, and exempt from all duties of detraction.

ARTICLE III.

Duties on disposal of personal property.

The citizens or subjects of each of the contracting parties shall have power to dispose of their personal property within the States of the other, by testament, donation, or otherwise, and their heirs, legatees, and donees, being citizens or subjects of the other contracting party, shall succe[e]d to their said personal property, and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country where the said property lies shall be liable to pay in like cases.

ARTICLE IV.

In case of the absence of the heirs, the same care shall be taken provisionally of such real or personal property as would be taken in a like case of property belonging to the natives of the country, until the lawful owner, or the person who has a right to sell the same according to article 2, may take measures to receive or dispose of the inheritance.

Property of absent heirs.

ARTICLE V.

If any dispute should arise between different claimants to the same inheritance, they shall be decided, in the last resort, according to the laws, and by the judges of the country where the property is situated.

Disputes to be decided by the local laws.

ARTICLE VI.

All the stipulations of the present convention shall be obligatory in respect to property already inherited or bequeathed, but not yet withdrawn from the country where the same is situated at the signature of this convention.

Property not yet withdrawn embraced

ARTICLE VII.

This convention is concluded subject to the ratification of the President of the United States of America, by and with the advice and consent of their Senate, and of His Majesty the King of Württemberg, and the ratifications thereof shall be exchanged at Berlin, within the term of twelvth months from the date of the signature hereof, or sooner if possible.

Convention subject to ratification, &c.

In witness whereof the respective Plenipotentiaries have signed the above articles, as well in English as in German, and have thereto affixed their seals.

Done in triplicata, in the city of Berlin, on the tenth day of April, one thousand eight hundred and forty-four, in the sixty eighth year of the Independence of the United States of America, and the twenty-eighth of the reign of His Majesty the King of Württemberg.

HENRY WHEATON. [L. S.]
FREIHERR VON MAUCLER. [L. S.]

WÜRTTEMBERG, 1853.

DATE, OCTOBER 13, 1853; PROCLAIMED DECEMBER 27, 1853.

[On the 13th of October, 1853, the Government of His Majesty the King of Württemberg formally declared its accession to the convention of the 16th of June, 1852, between the United States and Prussia and other States of the Germanic Confederation, for the mutual delivery of criminals fugitives from justice in certain cases.]

WÜRTTEMBERG, 1868.

TREATY BETWEEN THE UNITED STATES AND THE KINGDOM OF WÜRTTEMBERG, RELATIVE TO NATURALIZATION AND FOR THE SURRENDER OF FUGITIVE CRIMINALS. CONCLUDED JULY 27, 1868; PROCLAIMED MARCH 7, 1870.

Contracting parties.

The President of the United States of America and His Majesty the King of Württemberg, led by the wish to regulate the citizenship of those persons who emigrate from the United States of America to Württemberg, and from Württemberg to the territory of the United States of America, have resolved to treat on this subject, and have for that purpose appointed Plenipotentiaries to conclude a convention, that is to say: The President of the United States of America, George Bancroft, Envoy Extraordinary and Minister Plenipotentiary, and His Majesty the King of Württemberg, his Minister of the Royal House and of Foreign Affairs, Charles Baron Varnbüler; who have agreed to and signed the following articles:

ARTICLE I.

When citizens of Württemberg are to be treated as American citizens.

When Americans are to be treated as citizens of Württemberg.

Declaration of intention not to effect naturalization.

Citizens of Württemberg, who have become or shall become naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States five years, shall be held by Württemberg to be American citizens, and shall be treated as such. Reciprocally, citizens of the United States of America who have become or shall become naturalized citizens of Württemberg, and shall have resided uninterruptedly within Württemberg five years, shall be held by the United States to be citizens of Württemberg, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

ARTICLE II.

Naturalized citizens liable for offences committed before emigration.

A naturalized citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration; saving always the limitation established by the laws of his original country, or any other remission of liability to punishment.

ARTICLE III.

Extradition.

The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between Württemberg and the United States the $\frac{\text{16 June, 1852,}}{\text{13 October, 1853,}}$ remains in force without change.

ARTICLE IV.

Provisions as to recovery of citizenship in original country.

If a Württemberger, naturalized in America, renews his residence in Württemberg without the intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally, if an American naturalized in Württemberg renews his residence in the United States without the

intent to return to Württemberg, he shall be held to have renounced his naturalization in Württemberg. The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

When intent not to return may be held to exist.

ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention.

When convention to go into effect, and how long to continue.

ARTICLE VI.

The present convention shall be ratified by His Majesty the King of Württemberg, with the consent of the Chambers of the Kingdom, and by the President by and with the advice and consent of the Senate of the United States, and the ratifications shall be exchanged at Stuttgart as soon as possible, within twelve months from the date hereof.

Convention when to be ratified.

In faith whereof the Plenipotentiaries have signed and sealed this convention.

Stuttgart, the 27 of July, 1868.

[SEAL.] GEO. BANCROFT.
[SEAL.] FREIHERR VON VARNBÜLER.

[The treaty of 1844 does not prevent a State from imposing a succession duty on legacies given by one of its citizens to a subject of Württemberg. *Frederickson* vs. *Louisiana*, 23 *Howard*, 445.]

APPENDIX.*

AUSTRO-HUNGARIAN EMPIRE.

AUSTRO-HUNGARIAN EMPIRE, 1871.

CONVENTION BETWEEN THE UNITED STATES AND THE AUSTRO-HUNGARIAN EMPIRE, RELATIVE TO TRADE-MARKS. CONCLUDED NOVEMBER 25, 1871; RATIFICATIONS EXCHANGED APRIL 22, 1872; PROCLAIMED JUNE 1, 1872.

Contracting parties

The United States of America and His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary, desiring to secure in their respective territories a guarantee of property in trade-marks, have resolved to conclude a special convention for this purpose, and have named as their Plenipotentiaries:

The President of the United States of America, John Jay, their Envoy Extraordinary and Minister Plenipotentiary from the United States of America to His Imperial and Royal Apostolic Majesty; and His Majesty the Emperor of Austria and Apostolic King of Hungary, the Count Julius Andrássy of Csik Szent Király and Kraszna Horka, His Majesty's Privy Counsellor and Minister of the Imperial House and of Foreign Affairs, Grand Cross of the Order of St. Stephen, &c., &c., &c.;

Who have agreed to sign the following articles:

ARTICLE I.

Reproduction of trade-marks used in the one country, &c., forbidden in the other country.

Every reproduction of trade-marks which, in the countries or territories of the one of the contracting parties, are affixed to certain merchandise to prove its origin and quality, is forbidden in the countries or territories of the other of the contracting parties, and shall give to the injured party ground for such action or proceedings to prevent such reproduction, and to recover damages for the same, as may be authorized by the laws of the country in which the counterfeit is proven, just as if the plaintiff were a citizen of that country.

Exclusive right to use trade-marks, not to continue longer than, &c.

The exclusive right to use a trade-mark for the benefit of citizens of the United States in the Austro-Hungarian Empire, or of citizens of the Austro-Hungarian Monarchy in the territory of the United States, cannot exist for a longer period than

* In printing the treaties and conventions sent to the Senate on the 1st of February, 1871, it has been thought proper to insert in their respective places, according to the alphabetical designation of the countries, such treaties and conventions as have been proclaimed since that date. The convention of November 25, 1871, with the Austro-Hungarian Empire, was received too late to be thus inserted, and is therefore placed in this Appendix. The agreement of February 12, 1871, between the United States and Spain, is also therein published.

that fixed by the law of the country for its own citizens. If the trade-mark has become public property in the country of its origin, it shall be equally free to all in the countries or territories of the other of the two contracting parties.

If trade-mark has become public property, it shall be free to all.

ARTICLE II.

If the owners of trade-marks, residing in the countries or territories of the one of the contracting parties, wish to secure their rights in the countries or territories of the other of the contracting parties, they must deposit duplicate copies of those marks in the Patent-Office at Washington, and in the Chambers of Commerce and Trade in Vienna and Pesth.

Owners of trade-marks wishing to secure their rights, &c., to deposit copies, &c.

ARTICLE III.

The present arrangement shall take effect ninety days after the exchange of ratifications, and shall continue in force for ten years from this date.

When the arrangement takes effect, and how long to continue.

In case neither of the high contracting parties gives notice of its intention to discontinue this convention twelve months before its expiration, it shall remain in force one year from the time that either of the high contracting parties announces its discontinuance.

ARTICLE IV.

The ratifications of this present convention shall be exchanged at Vienna within twelve months, or sooner if possible.

Ratifications.

In faith whereof the respective Plenipotentiaries have signed the present convention as well in English as in German and Hungarian, and have affixed thereto their respective seals.

Done at Vienna the twenty-fifth day of November, in the year of our Lord one thousand eight hundred and seventy-one, in the ninety-sixth year of the Independence of the United States of America, and in the twenty-third year of the reign of His Imperial and Royal Apostolic Majesty.

JOHN JAY. [L. S.]
ANDRÁSSY. [L. S.]

SPAIN.

SPAIN, 1871.

AGREEMENT BETWEEN THE UNITED STATES AND SPAIN, FOR THE SETTLEMENT OF CERTAIN CLAIMS OF CITIZENS OF THE UNITED STATES, MADE BY DANIEL E. SICKLES, ESQ., ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY OF THE UNITED STATES AT MADRID, AND HIS EXCELLENCY SEÑOR DON CRISTINO MARTOS, MINISTER OF STATE OF SPAIN. CONCLUDED FEBRUARY 12, 1871.

Memorandum of an arbitration for the settlement of the claims of citizens of the United States, or of their heirs, against the Government of Spain for wrongs and injuries committed against their persons and property, or against the persons and property of citizens of whom the said heirs are the legal representatives, by the authorities of Spain, in the island of Cuba, or within the maritime jurisdiction thereof, since the commencement of the present insurrection.

Claims to be submitted to arbitrators, and in case of disagreement to umpire.

1. It is agreed that all such claims shall be submitted to arbitrators, one to be appointed by the Secretary of State of the United States, another by the Envoy Extraordinary and Minister Plenipotentiary of Spain at Washington, and these two to name an umpire who shall decide all questions upon which they shall be unable to agree; and in case the place of either arbitrator or of the umpire shall from any cause become vacant, such vacancy shall be filled forthwith in the manner herein provided for the original appointment.

2. The arbitrators and umpire so named shall meet at Washington within one month from the date of their appointment, and shall, before proceeding to business, make and subscribe a solemn declaration that they will impartially hear and determine, to the best of their judgment, and according to public law and the treaties in force between the two countries and these present stipulations, all such claims as shall, in conformity with this agreement, be laid before them on the part of the Government of the United States; and such declaration shall be entered upon the record of their proceedings.

Each government may name an advocate.

3. Each Government may name an advocate to appear before the arbitrators or the umpire, to represent the interests of the parties respectively.

Claims to be presented through Government of the United States.

4. The arbitrators shall have full power, subject to these stipulations, and it shall be their duty, before proceeding with the hearing and decision of any case, to make and publish convenient rules prescribing the time and manner of the presentation of claims and of the proof thereof; and any disagreement with reference to the said rules of proceeding shall be decided by the umpire. It is understood that a reasonable period shall be allowed for the presentation of the proofs; that all claims, and the testimony in favor of them, shall be presented only through the Government of the United States; that the award made in each case shall be in writing, and, if indemnity be given, the sum to be paid shall be expressed in the gold coin of the United States.

5. The arbitrators shall have jurisdiction of all claims presented to

Extent of jurisdiction, &c.

them by the Government of the United States for injuries done to citizens of the United States by the authorities of Spain, in Cuba, since the first day of October, 1868. Adjudications of the tribunals in Cuba concerning citizens of the United States, made in the absence of the parties interested, or in violation of international law or of the guarantees and forms provided for in the treaty of October 27, 1795, between the United States and Spain, may be reviewed by the arbitrators, who shall make such award in any such case as they shall deem just. No judgment of a Spanish tribunal, disallowing the affirmation of a party that he is a citizen of the United States, shall prevent the arbitrators from hearing a reclamation presented in behalf of said party by the United States Government; nevertheless, in any case heard by the arbitrators, the Spanish Government may traverse the allegation of American citizenship, and thereupon competent and sufficient proof thereof will be required. The commission having recognized the quality of American citizens in the claimants, they will acquire the rights accorded to them by the present stipulations as such citizens. And it is further agreed that the arbitrators shall not have jurisdiction of any reclamation made in behalf of a native-born Spanish subject, naturalized in the United States, if it shall appear that the same subject-matter having been adjudicated by a competent tribunal in Cuba, and the claimant, having appeared therein, either in person or by his duly appointed attorney. and being required by the laws of Spain to make a declaration of his nationality, failed to declare that he was a citizen of the United States; in such case, and for the purposes of this arbitration, it shall be deemed and taken that the claimant, by his own default, had renounced his allegiance to the United States. And it is further agreed that the arbitrators shall not have jurisdiction of any demands growing out of contracts.

Expenses.

6. The expenses of the arbitration will be defrayed by a percentage to be added to the amount awarded. The compensation of the arbitrators and umpire shall not exceed three thousand dollars each; the same allowance shall be made to each of the two advocates representing respectively the two Governments; and the arbitrators may employ a secretary at a compensation not exceeding the sum of five dollars a day for every day actually and necessarily given to the business of the arbitration.

Effect of awards.

7. The two Governments will accept the awards made in the several cases submitted to the said arbitration as final and conclusive, and will give full effect to the same in good faith and as soon as possible.

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